



Arizona Medical Board

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

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FINAL MINUTES FOR TELECONFERENCE MEETING

Held on Friday, October 7, 2022

1740 W. Adams St., Board Room A • Phoenix, Arizona

Board Members

R. Screven Farmer, M.D., Chair

James M. Gillard, M.D., M.S., F.A.C.E.P., F.A.A.E.M., Vice-Chair

Lois E. Krahn, M.D., Secretary

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 8:04 a.m.

B. ROLL CALL

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

The following Board member was absent: Ms. Jones.

ALSO PRESENT

The following Board staff participated in the teleconference: Patricia McSorley, Executive Director; Kristina Jensen, Deputy Director; Raquel Rivera, Investigations Manager; William Wolf, M.D., Chief Medical Consultant; Michelle Robles, Board Operations Manager. Carrie Smith, Assistant Attorney General ("AAG") also participated in the teleconference.

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

Individuals that addressed the Board during the Public Statements portion of the teleconference appear beneath the matter(s) referenced.

D. EXECUTIVE DIRECTOR'S REPORT

- Review, Discussion, and Possible Action Regarding Proposed Legislative Initiatives

Ms. McSorley reported that the Committee is looking for a second non-disciplinary option for the Board to use but this has not been vetted completely and will not make the 2022 legislation. The other three initiatives are non-controversial and will proceed. Ms. McSorley noted that there is enough funding for the Wellness program. Another initiative is regarding a proposal to waive the application fees for physicians who are in graduate

school here in Arizona. Once approved by the Board this would proceed to the Governor's office and get stakeholders' feedback.

Dr. Farmer opined that the package was well put together and should move forward smoothly.

Dr. Artz inquired about the postgraduate application fee waiver requirements.

Ms. McSorley explained that this is to obtain a license in Arizona but would not require a signed document from the physician to practice in Arizona.

Dr. Krahn commented that the State benefits from this even if they don't practice in Arizona since just having a license may make them more inclined to practice here in the future. This would decrease barriers and help graduates financially to practice in Arizona.

MOTION: Dr. Gillard moved for the Executive Director to proceed with the process on legislative initiatives.

SECOND: Dr. Moschonas.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

- Update on the Search Process and Hiring of a Chief Medical Consultant

Ms. McSorley reported that staff have received 15 resumes and are still looking for more. Staff may work with a recruiter as the next step.

- Update on Board Processes and Staffing
- Update on the Improvements to Boardroom A

Ms. McSorley reported that due to a delay in supply chain the room is not ready for December. Staff will look for an alternative in February if needed and staff are committed to moving forward with the project.

- Update on the Reintroduction of Physician Wallet Cards

Ms. McSorley reported that based on feedback staff will be re-instituting the wallet cards.

E. CHAIR'S REPORT

- Discussion Regarding Format and Form of Future Board Meetings
- Discussion Regarding Board Room A

Dr. Farmer commented that a survey was conducted regarding in-person meetings and given the various options it was hard to come to a consensus. Dr. Farmer explained that the room is not going to be ready by December and alternatives for other boardrooms are not available at this time, therefore the present format will be continued for December.

Dr. Farmer further commented that the ADHOC committee will meet to discuss the format for 2023. Board staff confirmed that the 2023 Board meeting dates have been confirmed.

- Acknowledgement of Dr. Wolf's Service as Chief Medical Consultant

Dr. Farmer acknowledged Dr. Wolf's service as the Board's Chief Medical Consult. Dr. Gillard noted that Dr. Wolf has also been very active in the community.

F. LEGAL ADVISOR'S REPORT

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

Ms. Smith reported that the plaintiffs made a renewed request for injunctive relief regarding the reason regulation. This request was made prior to the decision made by the Pima County Court with regard to the territorial statute. There has been no decision on the pending request.

- 2022 Legislative Advice Memorandum

Ms. Smith provided the new statutes that go into effect on September 24th.

Ms. Smith highlighted BH2599 which made several procedural changes with how the Board can handle disciplinary action or licensing issues. One of the changes is regarding OAH matters and the procedure for after an ALJ renders a decision. Another change is to attorney fees statute. The Board will also need to inform the Governor's office prior to denying a license. Ms. Smith also highlighted the change to SB1162 regarding who is exempt from the prohibition against issuing a new prescription of a scheduled II controlled substance that is an opioid that exceeds ninety milligram equivalents per day.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

Discussion combined under item E.

H. APPROVAL OF MINUTES

- August 4, 2022 Teleconference; including Executive Session

MOTION: Dr. Gillard moved to approve the minutes for the August 4, 2022, Teleconference; including Executive Session.

SECOND: Ms. Oswald.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

LEGAL MATTERS

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

1. MD-20-0941A, MD-21-0256A, MICHAEL H. WRIGHT M.D., LIC. #50466

Dr. Wright participated telephonically. AAG Carrie Smith, on behalf of the State, and AAG Jeanne Galvin, the Board's Independent Legal Advisor, participated telephonically.

Dr. Wright provided a statement to the Board where he stated that the care was appropriate and that although his documentation was poor for the patient's visit after the rehab facility he had thoroughly documented the complications in the discharge summary. Dr. Wright stated that the MC who reviewed the second case did not have access to the intraoperative films that demonstrated the change in the hardware and if he had the opportunity to review then his criticism would be different.

Ms. Smith stated that the Board issued an Order for CME 10 hours of medical recordkeeping and 2 hours in the evaluation of foot fractures and dislocations. Dr. Wright has completed 10 hours of CME in a foot and ankle course and has enrolled in a medical recordkeeping course. Ms. Smith stated that the State has no position on the request.

Dr. Wright requested the opportunity to show the Board that he did document the post-operative complication.

Dr. Gillard commented that the physician has been compliant with the CME on the ankle and has enrolled in the CME for medical recordkeeping. Dr. Gillard opined that the CPEP course is no longer appropriate at this time as he is aware of the records issue.

MOTION: Dr. Gillard moved to offer an alternative settlement for an Advisory Letter for failing to adequately reduce a calcaneal fracture dislocated under the fibula and for inadequate and misleading documentation.

SECOND: Dr. Bethancourt.

Dr. Beyer commented that nothing has changed and proposed that the Board affirm the original decision. Dr. Gillard noted that the CME goes on the profile page and that an advisory letter is public. Dr. Gillard opined that since the CME has already been completed it is no longer required.

VOTE: The following Board members voted in favor of the motion: Dr. Gillard, Dr. Bethancourt, Ms. Dorrell, Dr. Figge and Dr. Moschonas. The following Board members voted against the motion: Dr. Farmer, Dr. Krahn, Dr. Artz, Ms. Bain, Dr. Beyer and Ms. Oswald. The following Board member was absent: Ms. Jones
VOTE: 5-yay, 6-nay, 0-abstain, 0-recuse, 1-absent.
MOTION FAILED.

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

SECOND: Dr. Krahn.

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

VOTE: 6-yay, 5-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

Dr. Farmer noted the thoughtful and robust discussion regarding issuing CME.

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

1. MD-21-1104A, SHARONELLE SIMMONS, M.D., LIC. #13628

Dr. Simmons was not present. AAG Campbell participated telephonically on behalf of the State. M.H. addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard acknowledged individuals' difficulty obtaining the medical records but noted that the Board regulates the physician's license and in this case she has signed an Order for Surrender.

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

SECOND: Dr. Moschonas.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

CONSENT AGENDA

K. CASES RECOMMENDED FOR DISMISSAL

1. MD-21-1054A, ELISA M. FAYBUSH, M.D., LIC. #33833

Dr. Artz commented that she respected the physician's decision to say she was not in agreement and opined that she did not need to fire the patient as she was able to treat the patient and the patient got the treatment she needed.

MOTION: Dr. Artz moved to dismiss.

SECOND: Dr. Bethancourt.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

L. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Figge moved to issue an Advisory Letter in item cases numbers 2-6 and 8-9.

SECOND: Dr. Krahn

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. MD-18-1210A, MD-18-1169A, HARRON W. CHAUDHRY, M.D., LIC. #45456

Counsel Flynn Carey, Kimberly Guist and Nicole Sisler addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

Dr. Figge requested staff's insight regarding the billing databases given the call to public statements.

Ms. Smith deferred to staff on the adequacy of the billing tools.

Board staff disagreed with the two experts' assessments that concluded that the \$5000 was an appropriate fee for these anesthesia cases and opined that an Advisory Letter is an appropriate outcome in this case.

Dr. Krahn noted a similar case where a bill was a million dollars and the physician's argument was that it was a starting point for negotiations but it was extremely upsetting to the patient's parents to receive the bill. Dr. Krahn opined that there is significant distress to patients and the possibility for an excessive fee.

MOTION: Dr. Farmer 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. Bain.

Dr. Gillard opined that there is a clear statute, and it is up to the Board to make a determination.

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

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

MOTION PASSED.

The Board entered into Executive Session at 9:49 a.m.

The Board returned to Open Session at 10:32 a.m.

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

MOTION: Dr. Figge moved to issue an Advisory Letter as stated by SIRC for the reasons discussed today. Advisory Letter for excessive charges related to anesthesia services. 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. Bethancourt.

Dr. Figge commented that the Board and staff have reviewed this using the tools used in the past. Dr. Figge opined that it's an adequate interpretation of what was provided. Dr. Bethancourt commented that according to the statute A.R.S. § 32-1401(27)(x) would be upheld give the FairHealth findings that the charges were greater than the 95th percentile compared to other providers in the same zip code. Dr. Bethancourt spoke in favor of the Advisory Letter. Dr. Beyer spoke in support of this motion and opined that the charges are clearly excessive and noted that not only were the charges excessive but the units of services were more than appropriate. Dr. Farmer agreed with the issuance of an

Advisory Letter and commented that, as an anesthesiologist, Medicare is unique and anesthesiologists get a third of what they get from other forms of reimbursement. The attorney made a fair argument of why Medicare is not a fair criterion. Dr. Farmer also questioned Fairhealth as it is a very complicated entity and is data driven by insurance companies. Dr. Farmer further commented that he supports the advisory letter on the standard of physicians' ordinary and reasonable prudence. There was no complexity to justify the charge here. This was an amount made by the physician. A \$5000 charge for 10 minutes is a manipulation the system. Dr. Farmer spoke in favor of an advisory letter but disagreed with the language of as recommended by SIRC. Dr. Figge agreed that is a reasonable approach. Ms. Oswald commented that an advisory letter allows the Board to track if excessive billing continues and that this action protects the public.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

2. MD-21-0864A, NASSIM HADDAD, M.D., LIC. #41503

RESOLUTION: Advisory Letter for inadequate communication and follow-up. 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-21-0854A, MD-22-0128A, DAVID E. NIELSEN, M.D., LIC. #54814

Counsel Molly Brizgys addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Advisory Letter for conviction of a Class 1 misdemeanor for Possession of a Forgery Device and for exclusion from all federal healthcare programs. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

4. MD-21-0969A, MAUREEN LEE, M.D., LIC. #40335

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

RESOLUTION: Advisory Letter for misinterpretation of lab test results. 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-21-0513A, FAHIM A. HABIB, M.D., LIC. #58639

RESOLUTION: Advisory Letter for inadequate 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.

6. MD-21-0301A, ROBERT L. G. STEARS, M.D., LIC. #55303

Dr. Stears and Counsel Mimi Moon addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Advisory Letter for action taken by the Wisconsin 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.

7. MD-21-1045A, CHERI A. ONG, M.D., LIC. #38198
Dr. Ong and Counsel Robin Burgess addressed the Board during the Public Statements portion of the meeting.

Dr. Beyer commented that given the public statements he understands the physician's rationale and attempt to save what was felt at the time to be a relatively small dehiscence. The device eventually had to be pulled but it didn't need to be pulled immediately after Dr. Ong last saw the patient. Dr. Beyer stated that he was not convinced that Dr. Ong was incorrect in her judgement managing this patient.

MOTION: Dr. Beyer moved to dismiss.

SECOND: Dr. Krahn.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

8. MD-21-0933A, SAM SAFAVI-ABBASI, M.D., LIC. #49003

RESOLUTION: Advisory Letter for insufficient and misleading documentation, for performing spinal surgery at the wrong level, and for inappropriate supervision of a PA, and for acting as a supervising physician for a PA without maintaining a delegation agreement. 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.

9. MD-21-0655A, JOHN G. CORCORAN, M.D., LIC. #12377

RESOLUTION: Advisory Letter for insufficient monitoring and treatment of vertebral osteomyelitis. 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-22-0852A, KERRI A. HOUSER, M.D., LIC. #59157

RESOLUTION: Advisory Letter for practicing on an expired license. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the board believes that repetition of the activities that led to the investigation may result in further board action against the licensee.

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

MOTION: Dr. Krahn moved to issue an Advisory Letter with CME in item case numbers 1-3.

SECOND: Ms. Dorrell.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. MD-21-0121A, EDWARD L. PATTERSON, M.D., LIC. #20901

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for inappropriate prescribing of phentermine, failing to access the CSPMP and report

dispensed controlled substances to the CSPMP, and inadequate medical records. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete PBI's Ethics and Professionalism (ME-15) course and complete no less than 2 hours of Board staff pre-approved Category I CME in the appropriate prescribing of phentermine. The CME hours shall be in addition to the hours required for license renewal.

2. MD-21-0121B, MARY E. SCHLOTTERER, M.D., LIC. #21607

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for inappropriate prescribing of phentermine, failing to access the CSPMP and report dispensed controlled substances to the CSPMP, and inadequate medical records. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete PBI's Ethics and Professionalism (ME15) course and complete no less than 2 hours of Board staff pre-approved Category I CME in the appropriate prescribing of phentermine. The CME hours shall be in addition to the hours required for license renewal.

3. MD-21-0615A, ABDULKADIR A. HOURANI, M.D., LIC. #25270

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

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for failure to timely comply with a patient's request for records and failure to timely respond to Board staff's requests for 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 Enhanced Patient Communication course. The CME hours shall be in addition to the hours required for license renewal.

N. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Gillard moved to uphold the Executive Director dismissal in item numbers 1-6.

SECOND: Dr. Bethancourt.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. MD-21-0992A, MARTIN E. WEINAND, M.D., LIC. #19949

Dr. Weinand and Counsel Kathleen Rogers addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

2. MD-21-0766A, ZACHARY C. TAYLOR, M.D., LIC. #45776

RESOLUTION: Dismissal upheld.

3. MD-21-0578A, ATANU BISWAS, M.D., LIC. #46446

D.M. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

4. MD-22-0201A, ROBERT BURKE, M.D., LIC. #32870
Dr. Burke and Counsel Scott King addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

5. MD-21-0682A, GERARD K. JEONG, M.D., LIC. #33838
S. M. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

6. MD-21-0961A, JAMES C. BALSERAK, M.D., LIC. #22666
W. F. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

O. PROPOSED CONSENT AGREEMENTS (Disciplinary)

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

SECOND: Dr. Krahn.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. MD-21-0458A, JEFFREY M. TAFFET, M.D., LIC. #16326

RESOLUTION: Consent Agreement for a Letter of Reprimand.

2. MD-21-0494A, MD-21-0881A, JOHN W. MCGETTIGAN, M.D., LIC. #12606

RESOLUTION: Consent Agreement for a Letter of Reprimand.

P. 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 1-5.

SECOND: Ms. Oswald.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. MD-22-0195A, MALINI DANDU, M.D., LIC. #N/A

RESOLUTION: License granted.

2. MD-22-0097A, NEELIMA K. MARUPUDI, M.D., LIC. #N/A

RESOLUTION: License granted.

3. MD-22-0459A, RAVINDER S. KAHLON, M.D., LIC. #N/A

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

RESOLUTION: License granted.

4. MD-22-0129A, DENISE M. POULOS, M.D., LIC. #N/A
Counsel Robin Burgess addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: License granted.

5. MD-22-0672A, KIM M. SMITH, 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.

2. MD-21-1109A, MARK S. WILSON, M.D., LIC. #N/A
Dr. Wilson addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard suggested inviting the physician in for an interview. Dr. Krahn supported SIRC's recommendations as there have been significant issues and not comfortable at this point to grant a license given what the board knows. Dr. Farmer agreed that this physician at this stage in his process does not qualify for a license and he would not want a physician to appear for an interview if he won't get a license. Dr. Figge noted that from the physician's original DUI it's been three years and sobriety of 18 months is not long enough given that he failed twice in his first 18 months of sobriety. Board members stated that the physician can reapply once there's been more time of sobriety.

MOTION: Dr. Figge moved to allow this physician the opportunity to withdraw her 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)(3), (4) and (6).

SECOND: Dr. Krahn.

Dr. Gillard spoke in favor since there were issues with substances other than alcohol and given the timeframe.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

iii. 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

MOTION: Dr. Gillard moved to grant licensure by endorsement in item numbers 1 and 2.

SECOND: Dr. Bethancourt.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

1. TRACY A. DARLING, M.D., LIC. #N/A

Dr. Gillard summarized that the physician has licenses in California and Florida, does meet CME requirements and has been in general practice.

RESOLUTION: License granted.

2. ELVIRA G. NEGRETE, M.D., LIC. #N/A

Dr. Gillard summarized that this physician is a graduate from Mexico and has two years of training in internal medicine and three year of training in nephrology. The physician also completed a Nephrology fellowship at UA. Dr. Gillard opined this is equivalent training.

RESOLUTION: License granted.

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

1. MD-22-0862A, SHELDON H. F. MARKS, M.D., LIC. #16967

Dr. Marks and Counsel James Kaucher addressed the Board during the Public Statements portion of the meeting.

Dr. Krahn noted that the issue has been resolved.

MOTION: Dr. Krahn moved to grant the license and issue an Advisory Letter for practicing on an expired license. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the board believes that repetition of the activities that led to the investigation may result in further board action against the licensee.

SECOND: Dr. Gillard.

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

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

OTHER BUSINESS

Q. GENERAL CALL TO THE PUBLIC

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

R. ADJOURNMENT

MOTION: Dr. Figge moved to adjourn the meeting.

SECOND: MS. Oswald

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

VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

The meeting adjourned at 11:30 a.m.




Patricia E. McSorley, Executive Director