



Arizona Medical Board

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FINAL MINUTES FOR TELECONFERENCE MEETING Held on Thursday, December 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 8:13 a.m.

B. ROLL CALL

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

The following Board member was absent: Ms. Bain 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; 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 Board Room A and 2023 Meetings

Ms. McSorley confirmed that there will be an in-person meeting in February, with the full board meeting in the morning and committees in the afternoon. All meetings going forward that are teleconferences will be via Zoom.

Dr. Bethancourt informed the Board of the discussion that the Ad Hoc committee had and the proposed schedule of three in-person meetings and all other meetings being held via

Zoom. The Board can re-evaluate in June or July. Dr. Farmer confirmed that the February plan is fixed but noted that the format may change based on if the legislative package passes to allow committees to address consent agenda items. Dr. Beyer requested the possibility of changing the evening meetings from Thursday night to a different day. Dr. Bethancourt commented that the committee acknowledged the benefits of meeting in person but also acknowledged the efficiency of meeting via Zoom for those out of town. Dr. Gillard spoke in favor of in-person meetings. Ms. Jones opined that Board members gain more when interviews are done in-person and meeting in-person helps identify new board members and staff. Dr. Farmer commented that it was revealing that attorneys stated that it was more effective to meet via zoom. Dr. Krahn commented that as the years go on stakeholders will be more comfortable with Zoom and that going forward a hybrid may be appropriate. Dr. Artz agreed with a hybrid format and appreciated the one-day meeting per month schedule. Ms. Jones commented that she was initially against the committee format but it is working well. Ms. Jones requested changing the members of the committees to change the group thinking and discussion. Dr. Farmer commented that he will work with Ms. McSorley on switching up the committee membership.

Ms. Smith explained that the issue from an administrative perspective is if the committee members issue discipline they should be the ones to approve the form of order.

Dr. Beyer opined that the Call to Public script is not landing with people and may need to be revised.

Ms. Smith read the notice language for the Board's reference. Board staff informed the Board of the Call to Public brochure and helpful tips sheet that is provided with the notice letter.

Board members suggested reiterating or highlighting these points of clarification in the noticing process.

- Update on Interviewing for CMC Position

Ms. McSorley reported that the Committee has begun interviewing applicants for the position and hopefully the position will be filled in the new year. Ms. McSorley thanked Dr. Coffey and Dr. Wolf for their continued assistance with the CMC duties.

Dr. Farmer thanked the applicants who have applied for the position.

E. CHAIR'S REPORT

F. LEGAL ADVISOR'S REPORT

- Update re: *Yonan vs. Arizona Medical Board*, Case No. LC2022-000296-001 DT

Ms. Smith informed the board that a judicial review action has been filed. Ms. Campbell will be handling the case.

Ms. Campbell reported that Dr. Yonan's counsel has filed a motion for new exhibits and testimony. The State filed a motion to dismiss given that the physician waived his right to a full evidentiary hearing when he agreed to the formal interview. Ms. Campbell stated that she is waiting for the court to rule on it and will keep the Board up to date as it progresses. Ms. Campbell further noted that the opening brief is due this month, but this may get pushed back due to the physician's filing.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

H. APPROVAL OF MINUTES

- July 7, 2022 Special Teleconference Meeting; including Executive Session
- September 1, 2022 Special Teleconference Meeting

MOTION: Dr. Gillard moved to approve the July 7, 2022 Special Teleconference Meeting; including Executive Session and the September 1, 2022 Special Teleconference Meeting.

SECOND: Ms. Dorrell.

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

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

MOTION PASSED.

LEGAL MATTERS

I. REQUEST TO RESCIND REFERRAL TO FORMAL HEARING DUE TO SURRENDER OF LICENSE PURSUANT TO COURT ORDER

1. MD-17-0852A, MD-18-1144A, SHELDON E. GINGERICH, M.D., LIC. #14436
AAG Carrie Smith participated virtually on behalf of the State. AAG Ben Norris participated virtually as the Board's independent legal advisor.

Ms. Smith informed the Board that due to the court order for surrender the State is only requesting the Board to rescind the referral to formal hearing.

Dr. Gillard agreed that since the license is surrendered this matter does not need to proceed to formal hearing.

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

SECOND: Dr. Beyer.

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

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

MOTION PASSED.

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

1. MD-20-0630A, MD-22-0139A, ROMEN K. JHA, M.D., LIC. #33212
Dr. Jha participated virtually without counsel. AAG Seth Hargraves participated virtually on behalf of the State. AAG Ben Norris participated virtually as the Board's independent legal advisor. C.P. addressed the Board during the Public Statements portion of the teleconference.

AAG Hargraves informed the Board that there have been four patient complaints regarding their medical records not being provided upon request. It took over a year to get records to JS, they were lacking and false. The three remaining patients did not receive records and Dr. Jha did not respond to the Board regarding this matter. Dr. Jha did not show up to the formal hearing and the ALJ recommended revocation of licensure for not cooperating with the Board, and not providing records. Dr. Jha responded in October stating that he would provide the records. Mr. Hargraves stated that this has not been done and Dr. Jha is harming his patients by not providing the records. Mr. Hargraves requested that the Board accept the state's order for Revocation based on the violation, conduct and for imposing the cost of the hearing.

Dr. Jha apologized to the Board and his patients for his lack of appropriate behavior. Dr. Jha explained that he had opened a practice to provide care to patients and was open for

less than five years before closing the practice. Dr. Jha stated that he sent out letters and contacted his medical records provider to send out appropriate information to the patients. Clinical Works informed him that the patients would need to go through them to get the records. The company has since changed ownership and he has continued to work with them to obtain the records. Dr. Jha stated that he understands that there has been a significant delay in sending patient's records and noted that he did not know that closing a practice would be so difficult and expensive. Dr. Jha requested that the Board allow him to practice and to not revoke his license.

AAG Hargraves acknowledged the apology but stated that the physician should be aware of his obligation to maintain and provide the medical records to his patients and providers. Although, Dr. Jha's making promises to provide the records, in 2021 he stated that he would provide the records and did not, he also did not respond to the three following complaints. The only outcome at this point is to accept the revocation. If Dr. Jha wants to file a motion for Rehearing or Review and provide the records he may do so. The State requests that the Board adopt the recommendation with the specified penalty.

During deliberation, Dr. Krahn commented that the lack of action is very striking and must be paid attention to. Although the physician states there has been no harm, there is no way for him to know if a patient has been harmed during a transition of care. Dr. Beyer commented that typically records violations would not result in a revocation order. The revocation is due to his lack of response both to the Board and the ALJ. Dr. Farmer opined that it is stunning that a physician has gone through the ALJ process without responding and the fees accrued for the hearing. Dr. Figge opined that the State made a sound argument that the physician is not regulable, and that the physician did not even show up to the hearing. Dr. Figge agreed that it is absurd that this has gotten to this point but the physician has proven that he's unregulable and does not follow up with what he states. Ms. Jones commented that we have no way of knowing if there was harm or not and it is serious if patients need to see another physician and they cannot access their records. Dr. Farmer agreed that there has been harm as there have been multiple resources dedicated to this matter. Dr. Bethancourt opined that the continued lack of response to the Board and that he did not show to the hearing and try to prove that he attempted to obtain the records is a further lack of response. Dr. Moschonas commented that the Board is very responsive in trying to get these issues resolved and opined that this will not be resolved as easily as it should have been. Dr. Gillard noted that the physician has an appeal process.

Mr. Norris informed the Board of the appeal process.

MOTION: Dr. Krahn moved to accept the Findings of Fact in the ALJ decision.

SECOND: Bethancourt.

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

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

MOTION PASSED.

MOTION: Dr. Krahn moved to accept the Conclusions of Law in the ALJ decision.

SECOND: Dr. Moschonas.

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

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

MOTION PASSED.

MOTION: Dr. Krahn moved to adopt the ALJ's recommended decision.

SECOND: Dr. Artz.

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

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

MOTION PASSED.

MOTION: Dr. Krahn moved to adopt the State's form of Order for Revocation.

SECOND: Dr. Artz.

AAG Hargraves requested a small change to the first paragraph that the physician appeared before the board today.

AAG Norris clarified the difference between the previous motion and the current motion.

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

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

MOTION PASSED.

K. MOTION FOR REHEARING/REVIEW (Formal Interview)

1. MD-17-1099A, SCOTT M. BRANNAN, M.D., LIC. #45866
Dr. Brannan participated virtually with counsel Adam Anderson.

Mr. Anderson stated that the Board imposed probation but nothing had changed from when the Dr. Brannan was under the interim order. The Probation has affected Dr. Brannan's credentialing with insurances companies and now he is unable to provide services. Mr. Anderson stated that the Probation is unnecessarily harsh because of the effect. Dr. Brannan has gone through the comprehensive evaluation and the results were that he does not meet the criteria for substance abuse diagnosis. Dr. Brannan has completed the CME and the AIR letter was provided to staff this morning. Mr. Anderson stated that Dr. Brannan has complied with the Board's recommendations and is willing to continue monitoring and to take assessments that are deemed appropriate but request that the Board not issue Probation.

Dr. Brannan stated that he completed the PBI course which was beneficial, and the weekly meeting is a wonderful opportunity for fellowship with other providers. Dr. Brannan informed the Board that he will be signing up for the medical recordkeeping course.

Ms. Smith confirmed that the Probation is for continued monitoring in the PHP.

Dr. Gillard noted that the probation is appropriate for the PHP term, the formal interview had extensive discussion and the vote was unanimous. Dr. Gillard noted that in the Order, there is a term for requesting termination of probation. Dr. Farmer agreed that there was an extensive discussion reviewing many details including issues of multiple offenses, issues of misinformation and false statements. Dr. Farmer opined that this was a very complicated and serious matter. Dr. Krahn commented that regarding the findings of the substance abuse evaluation, it can be hard to hard to evaluate Ambien and substances and noted that this physician has had a positive urine drug screen since the interview. Dr. Krahn opined that the evaluation was not impressive. Dr. Beyer commented that nothing has been stated that disputes the Findings of Fact or Conclusions of Law, it's that the physician is concerned about the order. If there is a PHP requirement it does require probation, and there has been nothing new that would lead him to believe that PHP participation is not appropriate. Whenever there is discipline imposed, there is an impact on the practice and the fact that it affects the credentialing process does not negate the Board from issuing discipline when appropriate. Dr. Figge commented that

although the physician has been compliant with the Interim order it does go away. The evaluation even states that it was suboptimal and had recommendations for further monitoring and investigation. Dr. Figge opined that the evaluation changes nothing and spoke in favor of denying the motion for rehearing.

MOTION: Dr. Gillard moved to deny the Motion for Rehearing.

SECOND: Dr. Beyer.

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

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

MOTION PASSED.

CONSENT AGENDA

L. CASES RECOMMENDED FOR DISMISSAL

MOTION: Ms. Jones moved to issue a dismissal in item numbers 1-3.

SECOND: Dr. Bethancourt.

Dr. Farmer noted that the board regulates the physicians and reviews each matter seriously.

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

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

MOTION PASSED.

1. MD-22-0146A, MARTHA L. REYES, M.D., LIC. #36125

RESOLUTION: Dismiss.

2. MD-21-0726A, PAUL E. BEJARANO, M.D., LIC. #23078

D.U. addressed the Board during the Public Statements portion of the teleconference. Dr. Figge stated that he knows the physician, but this will not affect his ability to adjudicate the matter.

RESOLUTION: Dismiss.

3. MD-21-0832A, DARYL R. PFISTER, M.D., LIC. #24384

Counsel Megan Gailey addressed the Board during the Public Statements portion of the teleconference on behalf of the physician.

RESOLUTION: Dismiss.

M. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Ms. Jones moved to issue an Advisory Letter in item numbers 1 and 4-6.

SECOND: Dr. Gillard.

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

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

MOTION PASSED.

1. MD-22-0164A, PATRICK D. KAVANAGH, M.D., LIC. #65453

RESOLUTION: Advisory Letter for action taken by the Florida, Texas, and Virginia 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.

2. MD-22-0078A, ROBERT J. LUEKEN, M.D., LIC. #56972

Counsel Colin Bell addressed the Board during the Public Statements portion of the teleconference on behalf of the physician.

Ms. Smith confirmed that the Board is not required to accept the counsel's request to pull but if they wanted to grant the request they can table the matter.

Dr. Gillard commented that he does not see how anyone can discharge a high-risk patient like this and that the MC did not agree with physician's justification. Dr. Gillard opined that this needs to be looked at again by a second MC and that something this obvious would require CME as well.

MOTION: Dr. Gillard moved to send the case back for further investigation to have a second MC review this matter.

SECOND: Dr. Bethancourt.

Ms. Smith clarified that if the Board disagrees with the MC report the case can be sent back for a second review however, if the Board believes discipline is appropriate then they can send it back to SIRC.

MOTION WITHDRAWN.

Dr. Bethancourt opined that this was complicated, that his liver enzymes were elevated, and that there were a lot of unanswered questions. Dr. Farmer agreed that the case was concerning; however, questioned whether a second OMC opinion was necessary. Dr. Beyer commented that the Board is not disputing what the current MC said but what action the Board should take. Dr. Beyer spoke in favor of tabling the matter per the attorney's request. Dr. Figge commented that in hindsight this was a patient who should have been admitted. At present steroids are not recommended to discharge a patient with COVID but these standards have changed. Dr. Figge opined this may not rise to the level of discipline and made a recommendation for CME for current treatment of COVID. Dr. Gillard opined that there were issues with the records and treatment and agreed that CME is needed.

MOTION: Dr. Gillard moved to issue an Advisory Letter and Order for Non-Disciplinary CME for discharging a high-risk patient with severe COVID-19 to home 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. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in the treatment of atypical pneumonia in high-risk patients, and complete no less than 3 hours of Board staff pre-approved Category I CME in medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Bethancourt.

Dr. Beyer spoke against the motion as this does not rise to the level of discipline and there is no danger to the public to grant the request for this to be tabled to the next meeting. Dr. Artz spoke in favor of the motion as the physician could have obtained counsel throughout the investigation process and not right before the meeting.

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

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

MOTION PASSED.

3. MD-22-0241A, RAJESWARI ANAPARTHY, M.D., LIC. #53298

Ms. Jones noted that the physician saw the patient in January as a new patient and the patient was stable. Two months later the patient expired in the ER. Ms. Jones opined that

the physician did her due diligence as to what the cause of death was and this resulted in a delay of signing the death certification.

MOTION: Ms. Jones moved to dismiss.

SECOND: Dr. Gillard.

Dr. Gillard stated that the law is straight forward and opined that this is an overreach. Dr. Gillard expressed concern that the medical examiner declined this case as it was not clear that this patient died of a chronic or acute illness that was treated by this physician. Dr. Figge agreed that if the primary care physician has not treated the patient for long it should go the medical examiner.

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

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

MOTION PASSED.

4. MD-21-0406A, ARTHUR T. MAYDELL, M.D., LIC. #57380

Counsel Adam Anderson addressed the Board during the Public Statements portion of the teleconference on behalf of the physician.

RESOLUTION: Advisory Letter for failing to provide adequate postoperative care after a radiologic vascular intervention in the outpatient setting. 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-22-0475A, JOHNATHAN R. MUNOZ, M.D., LIC. #52306

RESOLUTION: Advisory Letter for failing to perform and document a physical examination of the affected limb in a patient presenting with left wrist pain 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.

6. MD-22-0092A, JULLIE A. CASTILLA, M.D., LIC. #24937

RESOLUTION: Advisory Letter for failure to remove an IUD during a cold knife conization necessitating a subsequent removal procedure 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.

7. MD-21-0077A, JACK R. HANNALLAH, M.D., LIC. #51583

Counsel Adam Anderson addressed the Board during the Public Statements portion of the teleconference on behalf of the physician. B.N. addressed the Board during the Public Statements portion of the teleconference.

Dr. Gillard noted that there was an unfortunate outcome and complications. Dr. Gillard agreed with the advisory letter as recommended and expressed sympathy towards the patient given the complications.

MOTION: Dr. Gillard moved to issue an Advisory Letter for performing a balloon angioplasty without documented evidence of bleeding and for administering an excessive amount of IV heparin. 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. Moschonas.

Dr. Beyer stated that this was clearly a life changing complication and there was an unfortunate set of circumstances that support the case resulting in an advisory letter.

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

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

MOTION PASSED.

8. MD-22-0044A, JENA L. STUDER, M.D., LIC. #61010

Dr. Beyer summarized that the physician-patient relationship quickly broke down. None of the patient's issues were substantiated by the MC but the MC was concerned that a physical examination was not performed. By the patient's own admission in the complaint, ten minutes into the visit had walked out and it's unrealistic that a visit that ended that way would result in a pelvic examination taking place. Dr. Beyer opined that the physician was not at fault.

MOTION: Dr. Beyer moved to dismiss.

SECOND: Dr. Krahn.

Dr. Krahn opined that if the physician had completed the exam it could have posed a bigger issue and the physician showed clinical judgement regarding the patient encounter and that this does not rise to an advisory letter. Dr. Moschonas noted that the patient was only coded for a new patient visit which was appropriate.

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

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

MOTION PASSED.

N. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Gillard moved to uphold the Executive Director dismissal in item numbers 1-7.

SECOND: Dr. Artz,

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

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

MOTION PASSED.

1. MD-22-0353A, NITEEN S. ANDALKAR, M.D., LIC. #35878

RESOLUTION: Dismissal upheld.

2. MD-21-0999A, BOBBY A. SHAH, M.D., LIC. #41793

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

RESOLUTION: Dismissal upheld.

3. MD-21-1004A, JAMES T. COOPER, M.D., LIC. #28358

RESOLUTION: Dismissal upheld.

4. MD-22-0288A, JENNIFER A. GODDARD, M.D., LIC. #63630

Counsel Gary Fadell addressed the Board during the Public Statements portion of the teleconference on behalf of the physician.

RESOLUTION: Dismissal upheld.

5. MD-22-0140A, JESSICA MORENO, M.D., LIC. #29704

A.K. and K.K. addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Dismissal upheld.

6. MD-22-0140G, BRANDON P. ANHALT, M.D., LIC. #R77235

7. A.K. and K.K. addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Dismissal upheld.

8. MD-21-1079A, JOHN P. KARIS, M.D., LIC. #22185
D.F. addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Dismissal upheld.

O. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Beyer moved to accept the Proposed Consent Agreement in item numbers 1-4.

SECOND: Dr. Gillard.

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

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

MOTION PASSED.

1. MD-22-0153A, LOUIS R. ZAKO, M.D., LIC. #41266

RESOLUTION: Consent Agreement for Surrender of License.

2. MD-22-0284A, EDWARD T. CHAPPELL, M.D., LIC. #37339

RESOLUTION: Consent Agreement for Three Years Probation to comply with the California Board's Order. Dr. Chappell shall remain in compliance with the California Board's Order. Once the licensee has complied with the terms of probation, he must affirmatively petition the Board to request that the probation be terminated. Dr. Chappell's request for termination shall demonstrate that the California Board's Order has been terminated.

3. MD-22-0163A, KARL B. HIATT, M.D., LIC. #19230

RESOLUTION: Consent Agreement for a Letter of Reprimand.

4. MD-20-1088A, MICHELLE MIX, M.D., LIC. #43231

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. Krahn moved to grant the license in item numbers 1-6.

SECOND: Dr. Gillard.

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

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

1. MD-22-0457A, THOM E. LOBE, M.D., LIC. #N/A

RESOLUTION: License granted.

2. MD-22-0767A, EUGENE L. KIM, M.D., LIC. #N/A

RESOLUTION: License granted.

3. MD-22-1065A, ANTONIO K. LIU, M.D., LIC. #N/A

Dr. Liu addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: License granted.

4. MD-22-0702A, STEVEN V. KOZMARY, M.D., LIC. #N/A

Dr. Kozmary addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: License granted.

5. MD-22-0720A, DONALD L. SLACK, M.D., LIC. #N/A

RESOLUTION: License granted.

6. MD-22-0993A, ROBERT C. THOMAS, M.D., LIC. #N/A

Dr. Thomas addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: License granted.

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

1. ALEXANDRA S. RUGGIERO, M.D., LIC. #N/A

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

SECOND: Ms. Dorrell.

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

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

MOTION PASSED.

2. VIVEK PRASAD, M.D., LIC. #N/A

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

SECOND: Ms. Dorrell.

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

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

1. ALEXANDER GOLGER, M.D., LIC. #N/A

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

SECOND: Dr. Beyer.

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

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

MOTION PASSED.

1. RICHARD GIBULA, M.D., LIC. #N/A

Dr. Gibula addressed the Board during the Public Statements portion of the teleconference.

Dr. Krahn noted that this physician had an AZ license that lapsed and expressed concern that he's been out of practice since 2018.

Ms. McSorley reported that the physician's plan is to be an administrator.

Dr. Farmer noted that if the physician has a full license, he can still practice despite the intention to be administrator only.

Ms. McSorley agreed with the points made however, the physician qualified for a license up to February 2022 and kept up to date with the CME.

Dr. Beyer commented that had he acted on his renewal and attested that he completed the required CME, he would have been compliant. Dr. Beyer stated that he is inclined to grant the license. Dr. Farmer noted that the Board may send back for competency evaluation.

Ms. McSorley suggested issuing a probationary license and as he does have an employer waiting for him to return.

Dr. Krahn opined that this would allow consistency for applicants who come before the Board with these circumstances. Dr. Gillard noted that he had a license for 40 years and he has stayed up to date with his CME.

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

SECOND: Dr. Beyer.

Ms. Jones commented that the requirements for licensure always have to be reviewed and opined that this physician meets the criteria. Dr. Beyer acknowledged that it has been four years since active practice and opined that a physician who has practiced for 40 years understands his own guardrails. Dr. Farmer acknowledged this physician's long history of practice and agreed with self-regulation. Dr. Krahn commented that the issue was raised to fully review the circumstances.

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

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

MOTION PASSED.

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

OTHER BUSINESS

Q. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-21-0240A, JONATHAN R. BEAR, M.D., LIC. #57404

Dr. Gillard noted that the physician has a letter of support for termination

MOTION: Dr. Gillard moved to grant the request for termination of the June 1, 2021 Board Order.

SECOND: Dr. Krahn.

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

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

2. MD-20-0690A, RANDAL R. SCHLOSSER, M.D., LIC. #43849
Dr. Gillard noted that monitors are in favor of early termination.

MOTION: Dr. Gillard moved to grant the request for termination of the September 24, 2020 Board Order.

SECOND: Dr. Krahn.

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

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

R. GENERAL CALL TO THE PUBLIC

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

S. ADJOURNMENT

MOTION: Dr. Beyer moved to adjourn the meeting.

SECOND: Dr. Krahn.

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

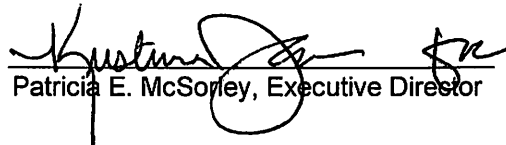
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

The meeting adjourned at 11:51 a.m.

Please note that due to a technical error the last hour and 15 minutes of the meeting was not captured on the recording.




Patricia E. McSorley, Executive Director