



## Arizona Medical Board

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### FINAL MINUTES FOR BOARD REVIEW COMMITTEE A TELECONFERENCE MEETING

Held on Thursday, December 1, 2022

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

#### *Committee Members*

R. Screven Farmer, M.D., Chair

Jodi A. Bain, M.A., J.D., LL.M.

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

Pamela E. Jones

Lois E. Krahn, M.D.

Constantine Moschonas, M.D., F.A.A.N.

## GENERAL BUSINESS

### A. CALL TO ORDER

Chairman Farmer called the Committee's meeting to order at 12:03 p.m.

### B. ROLL CALL

The following Committee members participated in the virtual meeting: Dr. Farmer, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Moschonas.

The following Committee member was absent: Ms. Bain.

### ALSO PRESENT

The following Board staff participated in the virtual meeting: Patricia E. McSorley, Executive Director; Kathleen Coffey MD; Interim Chief Medical Consultant; Michelle Robles, Board Operations Manager; and Amy Skaggs; Investigations. Carrie Smith, Assistant Attorney General ("AAG") was also present.

### C. OPENING STATEMENTS

Chairman Farmer read the civility policy for the record.

### D. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

No individuals addressed the Committee during the Public Statements portion of the virtual meeting.

### E. APPROVAL OF MINUTES

- October 7, 2022 Board Review Committee A Teleconference

**MOTION:** Dr. Krahn moved for the Committee to approve the October 7, 2022 Board Review Committee A Teleconference.

**SECOND:** Dr. Gillard

**VOTE:** The following Committee members voted in favor of the motion: Dr. Farmer, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Moschonas. The following Committee member was absent: Ms. Bain.

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

**MOTION PASSED.**

## **LEGAL MATTERS**

### **F. FORMAL INTERVIEWS**

1. MD-20-0530A, NATHAN W. GOODYEAR, M.D., LIC. #56029  
Dr. Goodyear participated virtually with counsel David Williams.

Board staff summarized that this case was initiated in June 2020. Dr. Goodyear, a gynecologist, is licensed by the Board as well as by the Homeopathic Board in Arizona. Patient SE had a mastectomy in November, 2017 for infiltrating ductal carcinoma of the L breast. Two lymph nodes were also positive at that time. SE refused the recommended adjuvant therapy with chemo/radiation and elected alternative homeopathic treatments. In September 2019, metastatic disease to the bones and liver was identified and after again refusing allopathic treatment offered by a medical oncologist, SE travelled to AZ and consulted with Dr. Goodyear. The physician carried out a review of symptoms but did not document a physical examination at that time. Dr. Goodyear treated SE from September 2019 through May 2020. Dr. Goodyear asserts that he was not practicing allopathic medicine but Board staff noted that a letter sent to the oncologist was signed as MD rather than MD(H). A Medical Consultant ("MC") who reviewed Dr. Goodyear's care of SE found numerous deviations from the standard of care in prescribing including providing sub-therapeutic doses of chemotherapy, prescribing Letrozole, and ordering medications for breast cancer without clinical justification. It was also noted that no initial physical examination of the patient was carried out.

Mr. Williams provided an opening statement to the Board on behalf of Dr. Goodyear.

During questioning, Dr. Goodyear stated that his homeopathic license is current. Dr. Goodyear explained the use and rationale behind his prescribing of allopathic medications. Dr. Goodyear discussed the MC's finding of that no physical examination was performed. Dr. Goodyear stated that when the patient first presented he was unable to perform a physical examination, and that once her pain was improved she would be seen on a weekly basis and examinations were regularly performed. Dr. Goodyear reiterated that he treated the patient under his homeopathic license and that the goal was to improve her quality of life and functioning. Dr. Goodyear explained how he informs his patients of the differences between allopathic conventional standards and a holistic and integrative approach. Dr. Goodyear noted that he encourages patients to seek an oncologist's care. Dr. Goodyear stated that he does not recall the letter where his credentials were listed as MD and included an MDH treatment plan, stating that he normally signs documents as MD, MDH. The patient and husband refused to follow-up with the oncologist, even though he advised them to do so. Dr. Goodyear stated that he reached out to the doctor they eventually followed up with and documented both conversations and a voicemail. Dr. Goodyear informed the Committee that at his current clinic and at the clinic where this patient was treated, there are no oncologists on staff and patients were encouraged to seek oncology care from outside the clinic.

In closing, Dr. Goodyear stated that he was practicing under the scope of his MDH license and fully disclosed this to the patient. The patient was seeking alternative treatment and provided informed consent. The goal was to improve the quality of life, not to cure the cancer.

In closing, Mr. Williams stated that Dr. Goodyear was looking out for his patient by informing her of her options and respecting her decisions. Mr. Williams stated that Dr. Goodyear met the standard of care as a homeopathic physician, and requested dismissal.

During deliberation, Dr. Gillard opined that there has been unprofessional conduct however, there has been mitigating factors. Dr. Gillard commented regarding the physical

examination, even though the patient is in a wheelchair, there can be a general finding. Dr. Gillard acknowledged that the patient refused conventional care.

**MOTION: Dr. Gillard moved for a finding of unprofessional conduct in violation of A.R.S. § 32-1401(27)(e) for reasons as stated by SIRC.**

**SECOND: Dr. Krahn.**

Dr. Krahn agreed that an examination should have been done and documented. Dr. Gillard found it mitigating that although the care would not be appropriate from an allopathic perspective, it could be within the standard of care for homeopathic medicine, and addressed by the Homeopathic Board.

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

**SECOND: Ms. Jones.**

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

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

**MOTION PASSED.**

The Board entered into Executive Session at 12:40 p.m.

The Board returned to Open Session at 1:03 p.m.

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

Dr. Farmer everyone agreed that if evaluated according to an allopathic standard of care there would be multiple deviations and an argument can be made that this was walled off as homeopathic medical care from the beginning. Dr. Krahn opined before prescribing anything, a physical examination should be completed and there is no documentation that an examination was done. Dr. Gillard noted that the Homeopathic Board will review the treatment and care as well.

**VOTE: The following Committee members voted in favor of the motion: Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Moschonas. The following Committee member voted against the motion: Dr. Farmer. The following Committee member was absent: Ms. Bain.**

**VOTE: 4-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

Dr. Gillard opined that the Board cannot be prejudiced when reviewing homeopathic care.

**MOTION: Dr. Gillard moved to issue an Advisory Letter and Order for Non-Disciplinary CME 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 3 hours of Board staff pre-approved Category I CME regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.**

**SECOND: Dr. Krahn**

**VOTE: The following Committee members voted in favor of the motion: Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Moschonas. The following Committee member voted against the motion: Dr. Farmer. The following Committee member was absent: Ms. Bain.**

**VOTE: 4-yay, 1-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

## **GENERAL BUSINESS**

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

### **H. ADJOURNMENT**

**MOTION: Dr. Krahn moved for adjournment.**

**SECOND: Dr. Gillard**

**VOTE: The following Committee members voted in favor of the motion: Dr. Farmer, Dr. Gillard, Ms. Jones, Dr. Krahn and Dr. Moschonas. The following Committee member was absent: Ms. Bain.**

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

**MOTION PASSED.**

The meeting adjourned at 1:13 p.m.



  
Patricia E. McSorley, Executive Director