



## Arizona Medical Board

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

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### FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Thursday, January 5, 2023

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 5:07 p.m.

##### **B. ROLL CALL**

The following Board members participated in the teleconference: R. Screven Farmer, M.D., Chair, James Gillard, M.D., Vice-Chair, Lois Krahn, M.D., Secretary, Katie Artz, M.D., Jodi Bain, Bruce Bethancourt, M.D., David Beyer, M.D., Laura Dorrell, Gary Figge, M.D., Pamela Jones, Constantine Moschonas, M.D., and Eileen Oswald.

##### **ALSO PRESENT**

The following Board staff participated in the teleconference: Patricia McSorley, Executive Director; Kristina Jensen, Deputy Director; 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 Hiring Process for the Chief Medical Consultant

Ms. McSorley reported that the Board has hired Dr. Deschamps as the Chief Medical Consultant and Dr. McClain as assistant Chief medical consultant. Their start date is January 9, 2023.

- Review, Discussion and Possible Action on the Draft Five Year Review Report for Article 7 (Office Based Surgery Using Sedation)

Ms. McSorley reported that staff are going through the first step in the review process where they must review the article and see if changes need to be made before going forward for public comment.

- Review, Discussion and Possible Action Regarding 2023 Board Meetings and Committee Assignments

Ms. McSorley informed the Board that a request to move the evening meetings from Thursday to Wednesday has been made.

Board members agreed to move from Thursday to Wednesday evening meetings.

## **E. CHAIR'S REPORT**

Dr. Farmer noted that Committee B will be chaired by Dr. Figge and Dr. Krahn will be chair of Committee A after the February meeting. Dr. Beyer and Ms. Oswald will be moving to Committee A and Ms. Jones and Dr. Gillard to Committee B starting with the February meeting.

## **F. LEGAL ADVISOR'S REPORT**

- Report on Dr. Bruce Eich's Surrender of License Pursuant to Court Order

Ms. Smith informed the Board that Dr. Eich agreed to surrender his license pursuant to a plea agreement in a criminal case. Ms. Smith noted that the physician was currently under a restriction and that no further action needs to be taken.

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

Ms. Smith there was a complaint filed in superior court against the Board by a complainant. Our office filed a motion to dismiss and the matter was granted by the court. The minute entry order has been uploaded, granting the motion to dismiss and a final judgment draft order filed by our office. The time to object to that has expired, and so the court should file that final judgment soon, which will then implicate the time running for appeals.

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

Dr. Farmer welcomed the new CMCs and informed the Board that the February meeting will be in person with a heavy number of formal interviews for the Committees.

## **H. APPROVAL OF MINUTES**

- October 7, 2022 Teleconference Meeting; including Executive Session
- November 3, 2022 Special Teleconference Meeting; including Executive Session

**MOTION: Dr. Beyer moved to approve the October 7, 2022 Teleconference; including Executive Session and the November 3, 2022 Special Teleconference; including Executive Session.**

**SECOND: Ms. Bain.**

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.**

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

## **LEGAL MATTERS**

### **I. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT**

1. MD-18-1230A, LUIS A. PIEDRAHITA, M.D., LIC. #34023

Dr. Piedrahita participated virtually with counsel Chris Smith. AAG Carrie Smith participated virtually on behalf of the State. AAG Jeanne Galvin participated virtually as the Board's Independent Legal Advisor.

Ms. Smith summarized that this case involved the physician health program and quality of care issues. The physician has completed a number of evaluations related to his safety to currently practice. During the course of the investigation the physician allowed his license to expire and the parties were exploring settlement options that would allow him to return to practice. The Board rejected the proposed settlement at the August meeting. The consent agreement before the Board today addresses the violations of the case and the physician has filed an application for licensure and intends to submit the evaluations that he has completed as part of the application process. The physician is also in private monitoring with a PHP provider. Ms. Smith noted that the consent agreement does not address the physician's return to licensure. The physician can re-apply and follow the normal licensure path. The State requested that the Board accept the signed consent agreement for a Decree of Censure.

Mr. Smith agreed with the State's summary. Mr. Smith noted what Dr. Piedrahita has complied with the Board's requests and asked that the Board adopt the consent agreement.

**MOTION: Dr. Krahn moved to rescind the referral to Formal Hearing and accept the Proposed Consent Agreement for Decree of Censure.**

**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, Dr. Moschonas and Ms. Oswald. The following Board member abstained: Ms. Bain.**

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

**MOTION PASSED.**

**J. THE BOARD WILL MEET AND CONFER PURSUANT TO A.R.S. § 41-1092.08(I) FOR PURPOSES OF DISCUSSING, CONSIDERING AND POSSIBLE ACTION WITH RESPECT TO POSSIBLY MODIFYING THE RECOMMENDED DECISION, INCLUDING THE FINDINGS OF FACT AND CONCLUSIONS OF LAW SET FORTH IN THE ALJ DECISION ISSUED IN CASE NO. 22A-29347-MDX REGARDING DR. HERBERT W. JONES. THE BOARD WILL REVIEW, CONSIDER AND TAKE POSSIBLE ACTION ON PROPOSED BOARD ORDER ARISING FROM ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION**

1. MD-21-0543A, HERBERT W. JONES, M.D., LIC. #29347

AAG Elizabeth Campbell participated virtually on behalf of the State. AAG Jeanne Galvin participated virtually as the Board's Independent Legal Advisor. The physician was not present.

Ms. Campbell summarized that the State is not requesting any modifications to the ALJ recommended decision in this matter. The State is requested that the Board accept the ALJ's recommended 23 findings of fact, 8 conclusions of law and the recommended Order of Revocation in this case. Ms. Campbell noted that this case involved allegations of substance abuse, discipline in other jurisdiction and failure to comply with the Arizona Board Order as a result of testing positive for alcohol in Minnesota and failure to complete the Minnesota PHP. Consequently and as a result of Dr. Jones failure to participate in the process the State is requesting revocation as recommended by the ALJ.

Dr. Gillard noted that the physician did not appear for the formal hearing and is not present today. Dr. Gillard inquired if the physician was adequately advised of this meeting.

Ms. Campbell informed the Board that the physician responded to the Complaint and Notice of Hearing notification via email stating that he was done with medicine. Ms. Campbell stated that the physician was also notified regarding this meeting.

**MOTION:** Ms. Jones moved to accept the Findings of Fact and Conclusions of Law.  
**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.  
**VOTE:** 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.  
**MOTION PASSED.**

**MOTION:** Ms. Jones moved to accept the ALJ's recommended order for Revocation.  
**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.  
**VOTE:** 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.  
**MOTION PASSED.**

## **CONSENT AGENDA**

### **K. CASES RECOMMENDED FOR DISMISSAL**

1. MD-22-0208A, EDWARD M. PODGORSKI, M.D., LIC. #63778

**MOTION:** Dr. Gillard moved to dismiss.  
**SECOND:** Dr. Artz.  
**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.  
**VOTE:** 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.  
**MOTION PASSED.**

### **L. CASES RECOMMENDED FOR ADVISORY LETTERS**

**MOTION:** Dr. Krahn moved to issue an Advisory Letter in item numbers 1-4, 6, 10, 12, 14 and 15.

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.

**VOTE:** 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

**MOTION PASSED.**

1. MD-22-0067A, ANTHONY K. GORDON, M.D., LIC. #56133

**RESOLUTION:** Advisory Letter for the action taken by the NC 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.

2. MD-21-1030A, AASIM KAMAL, M.D., LIC. #30886

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

**RESOLUTION:** Advisory Letter for obtaining extensive in office testing prior to evaluating the patient for medical necessity. 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-22-0228A, AHMAD S. KHAN, M.D., LIC. #13268

**RESOLUTION: Advisory Letter for incorrectly administering an extra dose of the HIB vaccine to a pediatric patient 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.**

4. MD-22-0154A, SUSAN S. PINERO, M.D., LIC. #53040

**RESOLUTION: Advisory Letter for failure to identify appendicitis on an abdominal CT scan. 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-22-0796A, JOHN W. MCGETTIGAN, M.D., LIC. #12606

Board staff informed the Board that this case was initiated after learning that Dr. McGettigan, who is on probation, was acting as supervising physician for a physician assistant. Dr. McGettigan disputed the allegations that Arizona law prohibits him from supervising PAs while on probation citing that probation does not restrict or alter his practice. Board staff reviewed the probationary terms issued on December 3, 2020 and noted that the practice restriction was terminated on March 25, 2021 but that he remains on probation. During this timeframe, Dr. McGettigan supervised a PA based on written delegation agreements for June 2020, March 2021, and March 2022. The delegation agreements were signed by only Dr. McGettigan as the SP and the PA. SIRC noted that Dr. McGettigan remains on probation requiring a monitor to review the appropriateness of his prescribing and documentation. SIRC observed that the Arizona PA Board's definition for supervising physician refers to a physician who has a current unrestricted license. SIRC stated that it is unequivocal that Dr. McGettigan was restricted from prescribing controlled substances during the time he was acting as a Supervising Physician for a PA.

Dr. Krahn questioned whether an advisory letter is sufficient in this case and opined that this physician tends to challenge the statutes and is proving to be difficult to regulate. Dr. Krahn also expressed concern regarding the PA's prescribing in quite an aggressive fashion. Dr. Bethancourt found that the physician interpreting the law the way he wants to is egregious. Dr. Figge commented that there is a number of previous problems with the Board, which included issues with controlled substances. Dr. Beyer agreed with the concerns raised but noted that the physician remains on probation and would need to come back before the Board prior to termination. Dr. Beyer agreed that the physician's interpretation of the law is not correct but opined it may not be productive to issue more than an advisory letter in this case. Dr. Farmer commented that the physician has continued to do things that are potentially hazardous in spite of being on probation. Dr. Krahn opined that the physician is unable to be regulated, that probation is not sufficient and that the physician should not continue to practice.

Ms. Smith informed the Board of the options available today based on the physician's notice.

**MOTION: Dr. Gillard 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.**

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.**

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

The Board entered into Executive Session at 5:52 p.m.

The Board returned to Open Session at 6:17 p.m.

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

Dr. Krahn expressed concerned that this physician is not able to be regulated.

Dr. Krahn expressed concern that the physician was supervising a PA when he did not have the authority to do so and that the supervised practice was very similar to the practice that the Board has expressed concern about for this physician. The prescribing was aggressive and excessive. Dr. Krahn also opined that this physician is unable to be regulated.

**MOTION: Dr. Krahn moved to return the case to offer an Interim Consent Agreement for Practice Restriction in addition to Dr. McGettigan's current probation and offer the licensee a Consent Agreement for Decree of Censure in this case.**

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.**

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

6. MD-22-0807A, KENNETH FORTGANG, M.D., LIC. #43175

**RESOLUTION: Advisory Letter for action taken by the North Carolina Board. There is insufficient evidence to support disciplinary action.**

7. MD-22-0282A, HOWARD K. CHEN, M.D., LIC. #35744

Counsel Cynthia Patane addressed the Board during the Public Statements portion of the meeting on behalf of the physician. G.B. addressed the Board during the Public Statements portion of the meeting.

Dr. Farmer noted that the central issue is the medical record and the use of a template and then a handwritten addendum. Dr. Farmer opined that given the very high number of procedures and it is common practice to write an addendum to a template that this is not found to be out of the community standard at all. Dr. Farmer was impressed with the thoroughness of the review by the Medical Consultant that found that there were no deviations in this case. Dr. Farmer stated that he was sympathetic to the patient but opined this does not warrant an Advisory letter. Dr. Krahn noted that the addendum did not have a date, which should be included so that you know when it was added. The handwriting was very hard to read which is concerning. Dr. Beyer if there is something that is truly out of the ordinary the physician should modify the template. Ms. Jones noted that the Medical Consultant ("MC") found that the handwriting was barely legible and there was no date, the patient was referred to another physician for the complication and if the other physician could not read and understand the note could be a further delay. Ms. Oswald stated that the use of templates is not the issue and noted the screenshot in the record, and there was not enough documentation to reflect the communication between the physician and patient and agreed that the medical record violation is appropriate. Dr. Beyer opined that a screenshot is not part of the permanent medical record.

**MOTION: Dr. Krahn moved to issue an Advisory Letter for inadequate medical records. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.**

**SECOND: Ms. Dorrell.**

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

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

**MOTION PASSED.**

8. MD-22-0290A, STEVEN I. SAYEGH, M.D., LIC. #32089

Dr. Gillard noted that the patient made multiple calls to the physician that were not answered and there was a four day delay in filling the prescription. However, the whole building was affected by the phone issue and was not the physician's fault.

**MOTION: Dr. Gillard moved to dismiss.**

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.**

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

9. MD-22-0632A, SATYAPRAKASH R. ATMAKURI, M.D., LIC. #40413

Dr. Figge noted that there was a cardiac issue but his cardiologist was not treating him at the time. Dr. Figge further noted that the patient had many health issues and physicians treating him and that this physician was not aware of the death until the funeral home contacted him. Dr. Figge opined that the specialist should not be responsible for this. Dr. Farmer found it mitigating that the physician was very conscientious of this. Dr. Gillard noted the statute and opined that if the physician doesn't know the cause of death you cannot require the physician to sign because they just happen to have seen the patient.

**MOTION: Dr. Figge moved to dismiss.**

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.**

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

10. MD-22-0646A, KORWYN L. WILLIAMS, M.D., LIC. #37004

**RESOLUTION: Advisory Letter for failing to comply with CSPMP mandatory use requirements. 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.**

11. MD-22-0313A, ARLENE D. CONTE, M.D., LIC. #29037

Dr. Beyer noted that the MC was concerned about the copy and paste of the records, and opined that there was no more than usual. Dr. Beyer stated that he could tell from the record what the physician thought and opined that the care was good.

**MOTION: Dr. Beyer moved to dismiss.**

**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 voted against the motion: Ms. Jones.**

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

**MOTION PASSED.**

12. MD-21-0675A, ANIKA S. GOODWIN, M.D., LIC. #56691

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

**RESOLUTION: Advisory Letter for performing an excisional biopsy at the wrong site on the ear. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.**

13. MD-21-1074A, MELISSA C. JONES, M.D., LIC. #50460

Dr. Jones and counsel Cody Hall addressed the Board during the Public Statements portion of the meeting.

Dr. Figge commented that there was an argument regarding the chief complaint initially and what was presented in the supplemental information. Dr. Figge opined that the care was very likely appropriate and the complaint is suspect enough with he said she said. Dr. Figge opined this should be dismissed.

**MOTION: Dr. Figge moved to dismiss.**

**SECOND: Ms. Oswald.**

Ms. Oswald opined that the commentary about the review of prior records is also important because it is standard to consistently document that you have reviewed prior records.

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.**

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

14. MD-22-0080A, KELLY A. FAVRE, M.D., LIC. #29627

V.M. addressed the Board during the Public Statements portion of the meeting. Dr. Artz and Dr. Farmer stated that they know the physician, but it would not effect their ability to adjudicate the case.

**RESOLUTION: Advisory Letter for inadequate preoperative evaluation of the identified left breast mass and for failing to excise the left breast mass. 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.**

15. MD-21-0855A, HABIB U. KHAN, M.D., LIC. #27915

Counsel Frederick Cummings addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Advisory Letter for inaccurate documentation and inadequate patient examination and assessment. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.**

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

1. THIS CASE HAS BEEN PULLED FROM THE AGENDA.

**N. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS**

**MOTION: Dr. Figge moved to uphold the Executive Director dismissal in item numbers 1-3.**

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.**

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

1. MD-21-1119A, MARYAM EMAMI, M.D., LIC. #58435

**RESOLUTION: Dismissal upheld.**

2. MD-22-0317A, LISA R. HOLLAR, M.D., LIC. #28517

**RESOLUTION: Dismissal upheld.**

3. MD-22-0134A, SAADEH SAADEH, M.D., LIC. #27517

**RESOLUTION: Dismissal upheld.**



## O. LICENSE APPLICATIONS

### i. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OR DENY LICENSE APPLICATION, OR TAKE OTHER ACTION

**MOTION:** Dr. Gillard moved to grant the license in item numbers 1 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, Ms. Jones, Dr. Moschonas and Ms. Oswald.

**VOTE:** 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

**MOTION PASSED.**

1. MD-22-0761A, CARLOS J. LEDEZMA, M.D., LIC. #N/A

**RESOLUTION:** License granted.

2. MD-22-0479A, STEPHEN DOOLEY, M.D., LIC. #N/A

**RESOLUTION:** License granted.

### ii. 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 D. CLARFIELD, M.D., LIC. #N/A

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

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

**SECOND:** Dr. 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, Dr. Moschonas and Ms. Oswald. The following Board member abstained: Ms. Bain.

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

**MOTION PASSED.**

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

1. ANDREW J. MARTIN, M.D., LIC. #N/A

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

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.

**VOTE:** 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

**MOTION PASSED.**

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

## OTHER BUSINESS

### P. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-16-0512A, DOUGLAS J. CAMPBELL, M.D., LIC. #28543

Board staff summarized that the terms of the probation require Dr. Campbell to complete 20 hours of CME in Controlled Substance Prescribing and complete the CPEP course in

the Basics of Chronic Pain Management. Additionally, Dr. Campbell is subject to periodic chart reviews. Dr. Campbell completed the prescribing course in August of 2017 and the Basics in Chronic Pain Management course in December 2017. To date, Board staff has received 17 chart reviews from July 2018 – March 2022; 14 of the 17 chart reviews have been considered favorable. Based on adverse reviews, Board staff initiated 3 cases. The Board considered one of the case reviews in Case MD-19-0489A at the February 2020, meeting and voted to issue an Advisory Letter. The Board considered another case review in Case MD-21-0013A at the June 2021, meeting and voted to issue an Advisory Letter. On November 10, 2022, SIRC considered the third case review in Case MD-22-0541A, SIRC agreed with the MC regarding the identified deviations from the standard of care and remained concerned regarding the inadequate documentation despite an extensive period of probation and chart reviews. SIRC noted that Dr. Campbell's two most recent Advisory Letters were for inadequate documentation, which SIRC considered an aggravating factor in this case, and noted that Dr. Campbell has not been ordered to complete CME in medical recordkeeping. SIRC observed that Dr. Campbell's current Board Order for Decree of Censure and five-year probationary timeframe would have been completed in May 2022. However, since Dr. Campbell has not remediated the Board's concerns for chart review findings related to inadequate documentation, SIRC recommended a Letter of Reprimand and Two-year probation. SIRC also recommended that Dr. Campbell complete intensive, in-person CME in medical recordkeeping and continuation of chart reviews. SIRC further recommended that Dr. Campbell's prior Board order be terminated.

Dr. Farmer inquired about the gap in probation if the current probation is terminated.

Ms. Smith confirmed the invitation for the disciplinary recommendation has been sent for the February meeting and that there would be a brief gap. This issue is that the current time limit for probation has been exceeded.

Dr. Farmer inquired if this matter could be tabled until the other matter is addressed.

Ms. Smith confirmed that it can be tabled until the other matter is heard.

Dr. Figge agreed that there shouldn't be a gap since the physician has not met the conditions.

**MOTION: Dr. Figge moved to deny the request for termination of the May 5, 2017 Board Order.**

**SECOND: Dr. Krahn.**

Dr. Beyer noted that the Board order was for five years but does not terminate until the Board terminates it, so the current probation and terms stand. Dr. Beyer opined that this order should continue even though the time has lapsed.

Ms. Smith confirmed the terms in the Board order regarding termination of probation.

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.**

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

2. MD-20-0344A, MARGARET L. KUNES, M.D., LIC. #25565

Dr. Farmer noted that the request is for early termination and the probation has gone on for 27 of its 60 months but Dr. Lott spoke in favor of early termination. Dr. Gillard noted that both Dr. Keene and Dr. Lott spoke in favor of early termination.

**MOTION: Dr. Gillard moved to grant the request for termination of the August 6, 2020 Board Order.**

**SECOND: Dr. Krahn.**

Dr. Krahn commented that this is considered the physician's second strike so if she has another incident it would result in a third strike and would have serious consequences for her license.

Ms. Smith confirmed the language in the Board order regarding the second strike.

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.**

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

3. MD-18-0899A, EVAN B. ELLER, M.D., LIC. #27863

Counsel Gary Fadell addressed the Board during the Public Statements portion of the meeting.

Dr. Farmer noted that Dr. Lott and Dr. Faria spoke in favor of the termination but expressed concern that this physician left a patient under anesthesia. Dr. Gillard noted that Dr. Keene also spoke in favor of the termination but agreed that this was egregious.

**MOTION: Dr. Gillard moved to grant the request for termination of the December 11, 2019 Board Order.**

**SECOND: Dr. Beyer.**

Dr. Beyer commented that there are several recommendations that the physician does not pose a risk. Dr. Beyer agreed that the action was egregious but it appears the addiction is under control.

**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, Ms. Jones, Dr. Moschonas and Ms. Oswald.**

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

## **Q. GENERAL CALL TO THE PUBLIC**

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

## **R. ADJOURNMENT**

**MOTION: Ms. Bain 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, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald.**

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

The meeting adjourned at 7:38 p.m.



A handwritten signature in black ink, appearing to read "Kristine A. Jones".

Patricia E. McSorley, Executive Director