



## ARIZONA MEDICAL BOARD

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

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### DRAFT MINUTES FOR SUMMARY ACTION TELECONFERENCE MEETING

Held on Monday, May 15, 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: Chairman Farmer, Vice-Chairman Gillard, Dr. Krahn, Dr. Artz, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Moschonas and Ms. Oswald.

The following Board members were absent: Dr. Figge and Ms. Jones.

#### **ALSO PRESENT**

The following Board staff participated in the teleconference: Patricia McSorley, Executive Director; Kristina Jensen, Deputy Director; Claude Deschamps, M.D., Chief Medical Consultant; and Heather Foster, Board Operations. Carrie Smith, Assistant Attorney General ("AAG") also participated in the teleconference.

#### **C. CALL TO THE PUBLIC**

Individuals who addressed the Board during the Public Statements are listed under the case.

### LEGAL MATTERS

#### **D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION**

1. MD-23-0314A, KERI M. BENTLEY, M.D., LIC. #60767

Dr. Bentley did not participate in the meeting.

Board Staff summarized that this case is based on Dr. Bentley's refusal to respond to Board Staff's offer of an interim consent agreement for practice restriction. This agreement was offered following a disciplinary action notification from the Kentucky Board of Medical Licensure that her Kentucky license had been summarily suspended based on her indictment on felony charges related to controlled substances. Additionally, Dr. Bentley failed to disclose the federal charges

as required. Board staff noted that the Medical Practice Act requires the Board to summarily suspend a license of a physician who has been summarily suspended by another state. Five other states have taken reciprocal action to Kentucky's action. Dr. Bentley was offered an Interim Consent Agreement for Practice Restriction to prohibit her from working in Arizona, while the matter remained under review. Dr. Bentley failed to respond to requests to sign an interim practice restriction in lieu of summary suspension and ceased communication with Board staff.

Dr. Gillard noted that the physician has had plenty of time to sign the interim consent.

**MOTION: Dr. Gillard moved to Summarily Suspend Dr. Bentley's license pending the outcome of a formal hearing in this matter based on a finding that the public health, safety and welfare imperatively requires emergency action.**

**SECOND: Dr. Bethancourt.**

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

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

**MOTION PASSES**

2. MD-23-0057A, FLOYD E. TRINIDAD, M.D., LIC. #33162

Dr. Trinidad participated virtually with counsel Flynn Carey. Mr. Copeland addressed the Board during the public statements portion of the meeting on behalf of Dr. Trinidad.

Board Staff summarized that Dr. Trinidad has refused to inactivate his license which is required by statute given the situation. Dr. Trinidad has a history of PHP with this Board and has relapsed on alcohol and resulted in a DUI in this case. Pursuant to the statute, he must enter an Inactive with Cause pending his completion of treatment and if he doesn't do this, the Board shall summarily suspend his license. Board staff noted that he has continued to drink alcohol despite a substance use disorder and the DUI showed poor judgment. Board staff requested that the Board summarily suspend Dr. Trinidad's license to protect the public.

Mr. Carey explained that Dr. Trinidad chose not to sign the proposed consent agreement so that he can have an opportunity to address the Board. Mr. Carey stated that Dr. Trinidad tested negative with the Board's Assessor for a hair follicle test and a urine test. Mr. Carey reviewed Dr. Trinidad's objection to the test results from the evaluating facility. Mr. Carey stated that Dr. Trinidad hasn't consumed alcohol since December and there have been no issues with his practice. Mr. Carey opined that there is not an imminent threat to public safety and noted that the Evaluation Report explicitly says that he is safe to practice. Mr. Carey requested that the Board allow Dr. Trinidad the opportunity to provide the signed Inactivation Agreement so that this does not proceed under the terms of the Summary Suspension.

Dr. Trinidad acknowledged that his actions on the 30th of December were not appropriate. Dr. Trinidad noted that he is currently under the IOP for monitoring and has been practicing since this incident.

**MOTION: Dr. Gillard moved to allow the physician to submit a signed Consent Agreement for License Inactivation with Cause and Order Inactivating License with Cause to be sent by 7pm on May 15, 2023, and if not received the Board will move forward with Summarily Suspending Dr. Trinidad's license based on a finding that the public health, safety, or welfare imperatively requires emergency action by the Board.**

**SECOND: Dr. Artz**

Dr. Beyer opined that this physician clearly needs to be monitored as there is a risk of relapse and inquired about why this matter didn't go through the normal channels for a physician with a substance abuse problem.

Board Staff informed the Board of the statutory language requiring the Inactivation with Cause.

Ms. Oswald noted that staff offered the consent agreement twice and now the Board is hearing that the physician is willing to sign it. Ms. Oswald expressed concern regarding the physician's judgment and his ability to practice medicine. Dr. Gillard spoke in favor of his motion, as it complies with the statute and allows this physician to continue with the evaluation and follow the recommendations. Dr. Gillard noted that the physician can request reactivation of his license.

Ms. Smith provided language for the motion to allow a timeframe for Dr. Trinidad and his counsel to submit the signed Consent Agreement for Inactivation.

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

**VOTE: 9-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.**

**MOTION PASSES.**

## **E. ADJOURNMENT**

**MOTION: Dr. Krahn moved to adjourn the meeting.**

**SECOND: Ms. Dorrell**

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

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

**MOTION PASSES.**

The meeting adjourned at 5:43pm.



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Patricia E. McSorley, Executive Director