



Arizona Medical Board

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FINAL FOR SPECIAL TELECONFERENCE MEETING

Held on Wednesday, March 1, 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 5:08 p.m.

B. ROLL CALL

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

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; 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

- Nasopharyngeal Swabbing for the AZ Medical Assistant (MA)

Ms. McSorley requested that the board take a look at this issue. While the Board does not license or register MA's it does set the scope of practice requirements which includes taking body fluid specimens. The Board received a request for clarification regarding whether the Board interpreted nasopharyngeal swabbing to be within the MA scope of practice.

Dr. Farmer opined that this is appropriate. Dr. Gillard noted that this would be in a physician's office to do the oral and nasal swabs.

Dr. Beyer commented that swabbing the nasal cavity is no big deal but yes, when in the nasal premise you are not far from the brain so that may be why this was a concern. Dr. Krahn prior to the COVID error they may have been a concern that it may not have been done right and there would be a false negative but that is no longer the case. Dr. Farmer commented that there is a concern about injuring the brain or the test being completed incorrectly but they are monitored by physicians. Ms. Jones noted that depending on training and experience it would not be a problem. Dr. Bethancourt agreed and noted that it's at the discretion of the monitoring physician and the physician's responsibility to train the MA.

MOTION: Dr. Krahn moved to clarify that MAs may take body fluid specimens via Nasopharyngeal Swabbing and add language to explaining the clarification to the Frequently Asked Questions (FAQ) on the Board's website for guidance.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

- Legislative Update, including but not limited to HB 2467 (§ 32-1440. International medical graduates; provisional licensure; disciplinary actions; revocation; definitions)

Ms. McSorley informed the Board that HB2467 would extend the use of the committees but has not been assigned to a committee. Ms. McSorley opined this will not pass this session.

Ms. McSorley noted that HB2467 will not pass this session either.

- Update on Federation State Medical Board's Annual Meeting

Ms. McSorley reminded Board members of the annual meeting in Minneapolis on May 4-6, 2023. If members would like to attend they can inform staff so that they can be registered.

E. CHAIR'S REPORT

Dr. Farmer stated that this has been a complex meeting and thanked Board members and staff.

F. LEGAL ADVISOR'S REPORT

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

Ms. Smith informed the Board that the court issued an order regarding the partial and preliminary injunction. The Senate President and Speaker of the House have filed a motion to intervene on behalf of the State. That motion is currently under consideration by the court. The Attorney General's Office has notified the court that it no longer intends to defend the constitutionality of the legislation at issue. Ms. Smith noted that motions had been filed on behalf of the Board and DHS advising the court that the parties did not intend on taking an active role in the litigation going forward..

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

MS. Smith the appeal time has lapsed, and the dismissal is final.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

R. Screven Farmer, M.D., Chair

LEGAL MATTERS

H. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION IN CASE NO.

22A-38223-MDX-RES INVOLVING DR. DEAN R. SILVER AND IN CASE NO. 22A-23145-MDX INVOLVING DR. DAVID G. LAWSON.

Possible action includes, but is not limited to, adopting Findings of Fact, Conclusions of Law And Order.

Pursuant to A.R.S. § 41- 1092.08(i), the Board may meet and confer for purposes of modifying the recommended decision, including the Findings Of Fact, Conclusions Of Law and Recommended Order set forth in the ALJ's recommended decision issued in case no. 22A-38223-MDX-RES involving Dr. Dean R. Silver and in case no. 22A-23145-MDX involving Dr. David G. Lawson.

1. MD-21-0024A, MD-18-0983A, DEAN R. SILVER, M.D., LIC. #38223

Dr. Silver participated virtually with counsel Mike Goldberg. AAG Elizabeth Campbell participated virtually on behalf of the State. AAG Ben Norris participated virtually as the Board's Independent Legal Counsel.

Ms. Campbell summarized that these matters involve two patients, JW and WC. Ms. Campbell stated that Dr. Silver provided inaccurate and inconsistent records while charging both patients tens of thousands of dollars for their care. After JW died in July 2016, Dr. Silver attempted to obtain what he claimed to be the amount still owed to him of \$36,000. Dr. Silver sent bills in various amounts to the Executor of the estate. The Executor filed a complaint with the Board. The Board requested that Dr. Silver submit complete medical records and in November 2018, Two of the dates that he claimed to have provided treatment for JW, there was no treatment record at all. Subsequently, six months later, Dr. Silver, through his attorney, sent two additional treatment records for the missing ones. These appeared different from the previously provided records. The Executor provided credit card bills demonstrating that the patient was in New Jersey on those dates. For patient WC, the Board requested Dr. Silver provide the complete medical record and in March 2012 Dr. Silver provided some records. They provided documented encounters with patient WC on four occasions from March to June of 2017, with a discharge not on June 26, 2017. In November 2022, the Board issued its Complaint and Notice of Hearing for the formal interview and one of the allegations was that the Board alleged that the fee charged by respondent was clearly excessive in view of the very few documents and documented visits. On November 7, 2022, Dr. Silver responded to the Complaint and Notice of Hearing and produced some additional documents. These records were different than the records that were produced in March 2021, and Dr. Silver claimed he found these new records in a box. However, the ALJ found that Dr. Silver's testimony was not credible in his attempts to explain why the recently discovered medical records were handwritten and not kept with the patient's other medical records. In preparation for the March 1, 2023, meeting Dr. Silver produced additional documents regarding patient WC. Ms. Campbell noted that these documents were not previously produced despite multiple attempts and opportunities to do so. Ms. Campbell encouraged the Board not to consider these documents and noted that most of the IV records are not signed and show no indicia that the patient was there that day. Ms. Campbell stated that the State respectfully requests that the Board adopt the ALJ's recommended Findings of Fact, Conclusions of Law and Recommended Order for Revocation in this case.

Mr. Goldberg stated that this case does not rise to the level of revocation and that it is excessive. Mr. Goldberg noted that there was no patient harm and requested a rehearing or reconsideration of this case. Mr. Goldberg explained that his client was not represented by counsel for the hearing and that there was a statement from the department's own expert that said the treatments were indicated and that if Dr. Silver had more documentation the billing wouldn't be so clearly excessive. Mr. Goldberg stated that they have that documentation now. Mr. Goldberg opined that he should be punished to some extent, but to revoke the license is excessive. Mr. Goldberg requested that the Board lower the discipline to a reprimand and probation for CME and allow Dr. Silver to keep practicing or to re do the hearing with counsel.

Dr. Silver stated that he has had no prior board history and that he was not represented by counsel and therefore was not able to properly represent himself. Dr. Silver requested a rehearing to provide documentation to provide a complete copy of the medical records and billing statements.

Ms. Campbell noted that Dr. Silver was previously represented by counsel and concluded that revocation is appropriate in this case due to the facts of the case, including his falsification of records produced to the Board.

MOTION: Dr. Krahn moved to adopt the Findings of Fact as recommended by the ALJ decision.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

MOTION: Dr. Krahn moved to accept the Conclusions of Law as recommended by the ALJ decision.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

Ms. Bain inquired if there are any requests for modification or adjustments of language by the licensee or the licensee's counsel that Board is supposed to be considering.

Mr. Norris confirmed that there has been no modified or alternative action requested by the physician's counsel.

MOTION: Dr. Krahn moved to accept the ALJ's recommended order for Revocation, to include the costs of the hearing.

SECOND: Ms. Bain.

Dr. Krahn commented that the circumstances of this case regarding the records was egregious. Dr. Krahn opined that the change in the sum that was billed to the estate, the records that weren't produced and then later produced and the behavior of this licensee as this case proceeded support that this licensee should not be able to practice medicine in Arizona. Dr. Gillard noted that the respondent can appeal.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

2. MD-18-1197A, MD-18-1070A, DAVID G. LAWSON, M.D., LIC. #23145

Dr. Lawson participated virtually with counsel Sara Stark. AAG Carrie Smith participated virtually on behalf of the State. AAG Ben Norris participated virtually as the Board's Independent Legal Advisor.

Ms. Smith summarized that this case has to do with repetitive quality of care and documentation issues for a physician who was under a monitoring agreement with the

Board. Ms. Smith noted that Dr. Lawson was subject to a Decree of Censure and Probation beginning in 2014. Ms. Smith summarized the factual basis for the Original Order and noted that it required Dr. Lawson to complete an intensive in-person continuing medical education course on controlled substance prescribing and enroll with a monitoring company for chart reviews for a total duration of 3 years. There were two cases that were brought to hearing in this matter. Case MD-18-1070A arose out of the failure of that monitoring process. Respondent initially entered into a contract for monitoring with a company called AMI. He was unable or unwilling to abide by his financial obligations with that company and was terminated from their services without completion of the term for Probation. Board staff allowed Dr. Lawson to sign up with a second monitoring company, which was CPEP. He again was unable to abide by his financial obligations for that monitor, and ultimately in this case Board staff requested medical consultant review of Dr. Lawson's care and treatment of 3 patients. That medical consultant review showed that Dr. Lawson again deviated from the standard of care regarding controlled substance prescribing for 3 separate patients. Dr. Lawson was requested to enter into an interim consent agreement prohibiting controlled substance prescribing, which he violated by prescribing Lyrica to a single patient. Case MD-18-1197A was initiated based on a separate complaint regarding Dr. Lawson's care and treatment of JE. Board Staff had a Medical Consultant (MC) review of the Index patient, as well as 2 additional patients. In that case, again, a separate MC who reviewed Dr. Lawson's care for these patients found deviations with regard to his controlled substance prescribing and his documentation. Ms. Smith noted that the care r occurred after he was completed the CME course. In addition the Board sustained a violation for failing to furnish information in a timely manner to Board staff. The Court reviewed this evidence, a lot of which was not disputed by Dr. Lawson, as well as his prior disciplinary history, which included 2 separate additional letters of reprimand and a decree of censure. Ultimately, after hearing from witnesses from both parties, the court determined that the matter rose to the level of discipline and warranted revocation. Ms. Smith requested that the Board adopt the ALJ's recommended Findings of Fact, Conclusions of Law and Order without modification, with the exception of including the cost for the hearing which was awarded by the court.

Ms. Stark stated that there are material inaccuracies contained in the hearing evidence section of the decision as set forth on page 6. Ms. Stark argued that the court incorrectly stated that Dr. Lawson did not dispute the underlying allegations in the complaint, stating that Dr. Lawson disputed the allegation that he failed to comply with the chart review process.. Ms. Stark noted the testimony provided during the hearing regarding the chart review process Ms. Stark stated that none of this relevant testimony or evidence was noted in the ALJ's recommended decision. Ms. Stark additionally stated that there is a significant amount of additional mitigating evidence presented at the hearing that was not mentioned at all in the decision. For example, while the decision lists some of the character witnesses called by respondent, one is inexplicably excluded and the testimony was not described. Ms. Stark stated it should have been included as it could be considered mitigating. Both Dr. Lawson and Board staff testified that since March 2020, Dr. Lawson has been compliant with the practice restriction other than a single prescription for Lyrica approximately ten days after the order went into effect. Ms. Stark stated that the Board must look to its rules and statutes to determine what punishment is appropriate in these situations. The statute additionally tasks the Board with protecting the health and safety of the public. Ms. Stark stated that there was no evidence presented at the hearing that suggests Dr. Lawson continues to be a risk to the public. The deviations in the standards of care related to the prescribing and monitoring of controlled substances, which has not been a part of Dr. Lawson's practice for the last 3 years. He surrendered his DEA certificate shortly after signing that Interim Consent Agreement in March 2020. Ms. Stark again disputed that Dr. Lawson was non-compliant with the chart review process, stating that the evidence presented at the hearing showed that Dr. Lawson suffered financial difficulties and late payments to monitors, but also supported Dr. Lawson's multiple attempts at compliance. It would be difficult to consider revocation under these circumstances when Dr. Lawson paid tens of thousands of dollars for multiple chart reviews that no one reviewed or received a copy of, and that, as far as

we know, most of these contain no evidence that he had deviated from the standard of care or that his record keeping was inappropriate. Based on the inconsistencies noted in the decision, the substantial amount of mitigating evidence that was presented at the hearing, but apparently not considered in the decision Ms. Stark requested that the Board reject the ALJ's recommended decision. Ms. Stark requested that the Board consider the implementation of a permanent practice restriction against the prescribing of controlled substances.

Ms. Smith noted that the original order in this case required Dr. Lawson to bear all cost of the monitoring services. It's undisputed in this case that Dr. Lawson failed to timely pay repetitively for the monitoring services that he was being provided. The payment for services rendered is part of the Board's order and is evidence of non-compliance. Regarding the argument that the court failed to consider the mitigating character references that were provided, none of the witnesses that testified on his behalf we're privy to the quality of care issues that were being reviewed by the Board and paragraph 32 of the ALJ's recommended decision does note that Dr. Lawson did present those witnesses' testimony. Ms. Smith opined that it's not that the court failed to consider witness testimony; it is more likely that the court considered it and found it irrelevant. Ms. Smith stated that ultimately the decision of what type of discipline to issue in this case is for the Board to determine. Ms. Smith noted that the the court, after all the testimony and evidence from the hearing found that this case warranted revocation and she requested that the ALJ's decision be upheld.

Dr. Gillard inquired about the old orders not appearing on the profile page.

Board staff confirmed that per statute that requires disciplinary orders come down from the physician's profile page after five years.

MOTION: Ms. Jones moved to accept the Findings of Fact.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

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

SECOND: Ms. Oswald.

Dr. Beyer spoke in favor of the motion and noted that in the Findings of Fact and Conclusions of Law there is more than just the opioid prescribing issue and recordkeeping that goes beyond whether the physician has a DEA license. Ms. Oswald commented that history is important when considering the physician's ability to be regulated.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

MOTION: Dr. Beyer moved to accept the ALJ's recommended order for Revocation, to include the costs of the hearing.

SECOND: Dr. Artz.

Ms. Bain found this case very concerning. MS. Bain found it troubling that this took place and noted that medical records are taken very seriously.

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, Dr. Figge, Ms.

Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.
VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.
MOTION PASSED.

CONSENT AGENDA

I. CASES RECOMMENDED FOR DISMISSAL

1. MD-22-0585A, AJAY TULI, M.D., LIC. #31158
Dr. Figge recused from this case.

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. Jones, Dr. Moschonas and Ms. Oswald. The following Board member recused: Dr. Figge. The following Board member was absent: Ms. Dorrell.

VOTE: 10-yay, 0-nay, 0-abstain, 1-recuse, 1-absent.

MOTION PASSED.

J. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Krahn moved to issue an Advisory Letter in item numbers 4, 5, 7, 8, 9, 13 and 14.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

VOTE: 11-yay, 0-nay, 0-abstain, 0(Dr. Krahn recused from item 5)-recuse, 1-absent.

MOTION PASSED.

1. MD-22-0924A, ANTHONY E. QUINN, M.D., LIC. #64960

Dr. Gillard noted that this was based on action taken by another board based on their statute which is different from Arizona's. The physician had a relationship with a patient two years after the last medical treatment. Dr. Gillard opined that this does not meet Arizona's statutes.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Bethancourt.

Dr. Beyer commented that although this would not have generated a disciplinary action out of this board, it remains a fact that there was action taken by another state Board and spoke against dismissal. Dr. Krahn agreed, within the letter of the law, this is discipline by another state and that the behavior outlined in the SIRC report is egregious since this is a psychiatrist and the standards for psychiatry are necessarily high. Dr. Krahn spoke against the motion.

Ms. Bain inquired if the board has the option to issue an advisory letter.

Ms. Smith confirmed that the Board has the option to issue an advisory letter and informed the Board of the sustained violation of A.R.S. § 32-1401(27)(p) and noted that it would likely correspond with our Board's A.R.S. §§ 32-1401(27)(r) and (aa) violations. Ms. Smith stated that the case does meet the legal requirements for Board statute.

Dr. Gillard reiterated that this does not meet our statutes and noted that the physician has already been reprimanded by another state, so he is not getting away with it.

Ms. Oswald appreciated the technicality of the Arizona statute and noted that the American Psychiatric Association holds a different standard and that a relationship should never occur between a psychiatrist and a patient. Ms. Oswald spoke against the motion.

VOTE: The following Board members voted in favor of the motion: Dr. Gillard, Dr. Bethancourt, Dr. Figge and Dr. Moschonas. The following Board members voted against the motion: Dr. Farmer, Dr. Krahn, Dr. Artz, Ms. Bain, Dr. Beyer, Ms. Jones and Ms. Oswald. The following Board member was absent: Ms. Dorrell.
VOTE: 4-yay, 7-nay, 0-abstain, 0-recuse, 1-absent.
MOTION FAILED.

Dr. Figge commented that a psychiatrist delves into the patient's background, but at the same time any physician can get into backgrounds and in any given circumstance it may never be right and in other times it can be fine. Dr. Figge commented that given the physician is a psychiatrist it is a little troublesome but is also understandable. Dr. Krahn commented that she based this on the status of the patient who seemed particularly vulnerable in view of the significant degree of psychiatric illness. Dr. Krahn opined that this patient is particularly at risk of being adversely affected and opined that the safety of the public was violated because of the circumstances of this patient in addition to the reality that this was a psychiatrist.

MOTION: Dr. Beyer moved to issue an Advisory Letter for action taken by the Nevada Board. 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. 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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED

2. MD-21-0589B, JIAXIN NIU M.D., LIC. #45104

Dr. Niu and counsel Margaret Dean addressed the Board during the Public Statements portion of the meeting. L.R., B.S. and S.C. addressed the Board during the Public Statements portion of the meeting.

Ms. Bain inquired about the MC report's mitigating factor and the summary regarding the untimely biopsy but at the call to public it was stated that it did not need to happen.

Board staff summarized that the patient was diagnosed with thyroid carcinoma. The recommendation was no surgery of a mass that was identified initially the patient was subsequently seen over one year later because she was living in Japan. Their evaluation noted new modules, indicating progression of the disease. The chronologist referred the patient to Dr. Niu, with biopsy recommended at that time Dr. Niu reevaluated the original biopsy for mutations but did not choose to do another biopsy for another year until after the patient had significant ongoing progressive disease. So the concern was that the endocrinologist had initially recommended a biopsy when she referred the patient to Dr. Niu who did not do the biopsy and went on to treat the disease as the thyroid carcinoma rather than reevaluating and then eventually do the biopsy, which led to the final appropriate diagnosis requiring different therapy.

Ms. Bain asked whether it would have made a difference if the second biopsy had been performed in a timely manner. Ms. Bain noted that during the call to the public the physician said he met the standard of care.

Board staff commented that MC opined that the physician did not provide appropriate care when he did not take into account the recommendation by the endocrinologist to reevaluate the original findings or reevaluate the mass that was persistent and showing progression.

Dr. Bethancourt expressed concern that there was a summary from the attorney but not the actual progress note regarding what the patient was presenting with. The endocrinologist recommended a biopsy and there should be some suspicion. Dr. Bethancourt recommended returning the case for further review to obtain the records.

MOTION: Dr. Bethancourt moved to return the case for further investigation to obtain a second MC review.

SECOND: Dr. Krahn.

Board staff stated that the records are in the file, but they were not attached to the physician's response.

Dr. Bethancourt recommended returning the case for further review to have a second reviewer look at this case.

Dr. Krahn opined that a second MC review in the case may be appropriate as this may rise to discipline.

Dr. Beyer commented that he would have made the same decision, which would have been wrong, but given hindsight is sympathetic to Dr. Niu's care of the patient and was not convinced another review was required. Dr. Artz expressed concern that this was not the appropriate result. Dr. Farmer also spoke in favor of sending the case back for a second review. Dr. Bethancourt noted that the patient had a history of breast cancer which supports the reason for a biopsy and the physician should have had a higher level of suspicion. Dr. Bethancourt opined that more should have been done.

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

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

MOTION PASSED.

3. MD-22-0244A, SANTSARAN C. PATEL, M.D., LIC. #23373

Dr. Farmer and Dr. Artz stated that they know the physician but that it would not affect their ability to adjudicate the case.

Dr. Moschonas noted that the initial electronic medical records (EMR) initially could not integrate with pharmacy board. It requires a physical ask and sign off to obtain a portal bridge between the EMR and the Pharmacy Board website. Dr. Moschonas spoke in favor of dismissal since the physician was moving forward to integrate the portal with the Pharmacy Board website.

MOTION: Dr. Moschonas moved to dismiss.

SECOND: Dr. Gillard.

Dr. Figge noted that the intent of the law was to ensure that the physicians are checking to see what controlled substances are being prescribed and that electronic health records can be challenging. Dr. Figge spoke in favor of an advisory letter, since at the end of the day the physician is ultimately responsible. Dr. Artz spoke against the motion since this had been going on for over four years and it is the law and all physicians have to comply with the law. Ms. Oswald spoke against the motion since it would set a precedent, and this law has been on the books for a long time. Dr. Krahn noted that this physician was licensed in Arizona in 1995, so he should have been monitoring these policies as they were debated and adopted into law. Dr. Farmer agreed that the Board has to be consistent so he expressed his intent to vote in favor of an advisory letter. Ms. Jones noted that the physician has begun querying the CSPMP.

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

VOTE: 4-yay, 6-nay, 1-abstain, 0-recuse, 1-absent.
MOTION FAILED.

MOTION: Dr. Krahn moved to issue an 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.

SECOND: Dr. Bethancourt.

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

VOTE: 7-yay, 3-nay, 1-abstain, 0-recuse, 1-absent.
MOTION PASSED.

4. MD-22-0026A, MEGAN S. WIESE, M.D., LIC. #29168

RESOLUTION: Issue an Advisory Letter for failing to review the patient's allergies prior to a procedure and failing to maintain the appropriate up to date medications in a procedural office. 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-22-0217A, DHARMENDRA R. PATEL, M.D., LIC. #33562

Dr. Krahn was recused from this case. Ms. Oswald stated that she knows the physician but that it would not affect her ability to adjudicate the case.

RESOLUTION: Issue an Advisory Letter for failing to replace an intraocular lens with the appropriate power lens to correct a residual refractive error, misdiagnosing the patient with a dislocated intraocular lens of the right eye, and failing to obtain adequate informed consent. 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-21-1067A, MOHAMMED A. J. SIKDER, M.D., LIC. #20059

Dr. Farmer and Dr. Artz stated that they know the physician but that it would not affect their ability to adjudicate the case.

Dr. Beyer summarized that this was a patient with severe diabetes and kidney disease. There was an electrophoresis that showed what turned out to be multiple myeloma that that was not noticed for several months. This was a nephrologist who was evaluating the patient for multiple myeloma. Dr. Beyer noted that multiple myeloma is commonly associated with renal failure, but also that advanced diabetes is much more likely to cause renal failure. The electrophoresis was done but not reviewed. Dr. Beyer opined that CME was appropriate. Dr. Bethancourt agreed that the electrophoresis is standard of care and not sure why it was not completed. Dr. Bethancourt opined that it was a significant miss. Dr. Figge noted that the physician did not miss the workup but there was a delay in diagnosis due to untimely review. Dr. Figge commented that CME may not be helpful since the physician ordered the correct tests but did not look at it. Dr. Farmer commented that this was a procedural issue. Dr. Krahn commented that given the nature of the patient's disease, the physician must have assumed it was negative. Dr. Beyer commented that if the tests were ordered but not checked a higher level of suspicion should have been present.

Board staff clarified that when the patient was admitted the physician's partner ordered the tests and was not sure if they were sent to the nephrologist.

Dr. Krahn stated that at the end of the day the question still arises as to what the patient had and what was the differential diagnosis. Dr. Artz noted that this arose out of a malpractice settlement.

Ms. Smith clarified that this case arose out of a malpractice settlement with no admission of fault.

Dr. Figge commented that CME is not going to do much more than going through the med mal process and spoke in favor of the advisory letter.

MOTION: Dr. Figge moved to issue an Advisory Letter for failing to timely diagnose multiple myeloma. 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. Beyer.

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

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

MOTION PASSED.

7. MD-22-0245A, JAMES O. ABANISHE, M.D., LIC. #50979

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

RESOLUTION: Issue an Advisory Letter for inappropriately disclosing protected health information without the patient's permission. 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.

8. MD-22-0880A, DOUGLAS G. LOWELL, M.D., LIC. #19871

Dr. Farmer and Dr. Artz stated that they know the physician but that it would not affect their ability to adjudicate the case.

RESOLUTION: Issue an Advisory Letter for action taken by the Alaska 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.

9. MD-22-0570A, SYLVAIN SIDI, M.D., LIC. #8458

Dr. Farmer and Dr. Artz stated that they know the physician but that it would not affect their ability to adjudicate the case.

RESOLUTION: Issue an Advisory Letter for ordering unnecessary and repetitive medical testing and failing to review prior treatment 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.

10. MD-21-1147A, LOUISE NOSANCHUCK, M.D., LIC. #19749

Ms. Jones summarized that the patient had COVID and the physician prescribed Ivermectin. The patient's friend filed a complaint because it was not FDA approved. The MC said that was not a deviation of the standard of care. It was prescribed off label and the patient did not have any side effects. The only thing the MC found was that the rationale for the use of Ivermectin was not documented. The physician stated that there was a discussion with the patient, however, the EMR she had at the time made it difficult to document freestyle writing that they did have this discussion. Ms. Jones recommended dismissal.

MOTION: Ms. Joens moved to dismiss.

SECOND: Dr. Moschonas.

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

VOTE: 6-yay, 3-nay, 2-abstain, 0-recuse, 1-absent.

MOTION PASSED.

11. MD-22-0179A, CHRISTOPHER K. MARCUZZO, M.D., LIC. #24193

Dr. Moschonas summarized that the patient fell since she could not see well and was a trauma call to the emergency room. The physician and PA evaluated this individual for trauma. They noted changes in eyesight with a recommendation to follow-up with the ophthalmologist to further evaluate once out of the ER. Dr. Moschonas opined that everything was done appropriately within the ER facility and by the treating individuals.

MOTION: Dr. Moschonas moved to dismiss.

SECOND: Dr. Bethancourt.

Dr. Bethancourt agreed that the patient came in for the trauma and while there was evaluated and recommend they see an ophthalmologist. The physician did everything appropriately.

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

VOTE: 10-yay, 1-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

12. MD-22-0928A, SHAUN D. PARSON, M.D., LIC. #27008

Dr. Gillard opined that this case was different that the one discussed previously today. In this case a surgeon wrote 234 prescriptions for benzodiazepines within a 90 day period without queries to the database. However, he was told that his software did comply and when the Board notified him he immediately contacted the Pharmacy Board. He found out that his software did not integrate and then the physician made all the necessary changes. Dr. Gillard noted that this is a surgeon who was writing prescriptions within the standard of practice and was led astray by the software company.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Beyer.

Dr. Beyer commented that this was a physician who thought he was in compliance. Ms. Bain commented that some of these cases are unfortunate; the law does require strict compliance. Ms. Bain spoke in favor of the advisory letter. Dr. Gillard noted that the physician did query the database but he was just not given credit due to the software used.

Board staff clarified that he was checking what was being prescribed through his EMR but not through the CSPMP which is what is required. The physician's EMR was not compatible. Board staff cannot confirm the source of the software used since the law requires the CSPMP source. Board staff confirmed with the CSPMP and the physician is now getting credit for the checks.

Ms. Jones noted that this case was similar to another on the Board's agenda. Dismissal would be inconsistent.

Board staff explained that as a general rule, practice changes and compliance with the law are considered remediation. The recommendation for an advisory letter in this case was consistent with this approach.

Ms. Oswald opined that there is not a distinction between the earlier case and this one. Dr. Gillard opined that there are obvious differences between the two cases.

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

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

MOTION PASSED.

Dr. Farmer requested that staff look into this matter and see if there is legislative change or education that can be provided to physicians. Dr. Krahn requested information about how other states handle this issue.

13. MD-22-0462A, LYNN J. CALCOTE, M.D., LIC. #44643

Dr. Calcote addressed the Board during the Public Statements portion of the meeting. S.A. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Issue an Advisory Letter for failing to perform a rectal exam on a patient with lower gastrointestinal complaints. 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.

14. MD-22-0553A, MARY A. LOGSDON, M.D., LIC. #57573

RESOLUTION: Issue an Advisory Letter for failing to timely report a DUI within ten days as required by law. 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.

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

MOTION: Dr. Krahn moved to issue an Advisory Letter with Non-Disciplinary Continuing Medical Education Orders in item numbers 1 and 2.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

1. MD-22-0214A, MEGAN S. WIESE, M.D., LIC. #29168

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for failing to appropriately allow the second stage of labor to progress without intervention, failing to discontinue the vacuum delivery after three pop-offs and/or after twenty minutes, 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. Within six months, complete no less than 3 hours of Board staff pre-approved Category I CME in operative vaginal deliveries. The CME hours shall be in addition to the hours required for license renewal.

2. MD-21-0599A, STEPHEN J. JOYCE, M.D., LIC. #9875

RESOLUTION: Issue an Advisory Letter and Order for Non-Disciplinary CME for failure to adequately evaluate and treat a patient presenting with signs and symptoms of deep venous insufficiency. 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 in the treatment of varicose veins. The CME hours shall be in addition to the hours required for license renewal.

L. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Beyer moved to uphold the Executive Director dismissal in item numbers 1-5, 7 and 8.

SECOND: Ms. Bain.

Dr. Beyer commented that all these cases were carefully reviewed before they were dismissed and the care rendered was appropriate.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

VOTE: 11-yay, 0-nay, 0-abstain, 0(Dr. Figge recused from item #4)-recuse, 1-absent.

MOTION PASSED.

1. MD-22-0249A, SAFDAR ALI, M.D., LIC. #22883

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

RESOLUTION: Dismissal upheld.

2. MD-22-0294A, SAMEDIYAR I. DURRANI, M.D., LIC. #43116

Dr. Durrane and counsel Michael Tamm addressed the Board during the Public Statements portion of the meeting. P.P. and H.K. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

3. MD-22-0247A, STEPHEN E. BROWN, M.D., LIC. #18611

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

RESOLUTION: Dismissal upheld.

4. MD-22-0863A, AJAY TULI, M.D., LIC. #31158

Dr. Figge was recused from this case.

RESOLUTION: Dismissal upheld.

5. MD-22-0554A, WILLIAM E. MERRELL, M.D., LIC. #11399

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

RESOLUTION: Dismissal upheld.

6. MD-21-0979A, LINDA L. LAU, M.D., LIC. #30826

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

Dr. Gillard noted that the complainant felt dizzy. This patient had a new onset atrial fibrillation with a heart rate of 133 and comorbidities. Dr. Gillard opined that it was inappropriate that this patient was sent out and that this case needs to be sent back for review by another MC. Dr. Bethancourt commented that he was under the impression that she was under the care of a cardiologist and that Dr. Lau had increased her beta blocker and recommended to increase beta blocker and follow up with her cardiologist. Dr. Bethancourt opined that there is a disconnect from what the patient presented with and what was documented and agreed with another review.

MOTION: Dr. Gillard moved to return the case for further investigation to obtain a second MC review.

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, Dr. Figge, Ms.

Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

7. MD-20-0945A, MOHAMAD R. KHARRAZI, M.D., LIC. #22281

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

RESOLUTION: Dismissal upheld.

8. MD-20-0945B, DAVID A. VERTULLO, M.D., LIC. #34938

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

RESOLUTION: Dismissal upheld.

M. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Beyer moved to accept the signed consent agreements in item numbers 1 and 2.

SECOND: Artz

Ms. Bain inquired about the delay of Dr. Patel's case from SIRC to making the March agenda.

Ms. Smith confirmed that the delay was due to negotiations between the parties regarding consent agreement language.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

1. MD-21-1131A, PRITI R. PATEL, M.D., LIC. #58079

RESOLUTION: Consent Agreement for a Letter of Reprimand and Three-Year Probation. Respondent shall enter into a contract with a Board approved monitoring company to perform periodic chart reviews, at Respondent's expense. After three consecutive favorable chart reviews, Respondent may petition the Board to terminate the Probation. Respondent shall not request early termination of Probation without satisfaction of the chart review requirements. The Probation shall not terminate except upon affirmative request of Respondent and approval by the Board.

2. MD-22-0458A, THOMAS D. SHELLENBERGER, M.D., LIC. #46704

RESOLUTION: Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete no less than 3 hours of Board staff pre-approved Category I CME regarding preventing wrong site surgery. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon Respondent's proof of successful completion of the CME.

N. 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 1-4.

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, Dr. Figge, Ms.

Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

1. MD-22-0858A, MARK T. HENDERSON, M.D., LIC. #N/A

RESOLUTION: License granted.

2. MD-22-0851A, ANDREW S. CRUZ, M.D., LIC. #N/A

RESOLUTION: License granted.

3. MD-23-0110A, CLAUDE B. MINOR, M.D., LIC. #N/A

RESOLUTION: License granted.

4. MD-23-0131A, NOREEN C. FAULKNER, 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. HERBERT R. JALOWSKY, M.D., LIC. #N/A

Dr. Farmer noted that this issue has been considered before and decided that there needs to be an action by the physician which he has refused to do.

MOTION: Ms. Bain moved to deny the license.

SECOND: Dr. Krahn.

Dr. Gillard noted that the physician has said that he had issues with a Board member and requested that that Board member recuse. Dr. Gillard further noted that the physician has to request to have his practice limitation lifted. Dr. Farmer confirmed that the physician has been advised to request the lifting of the practice limitation and that even if the physician did request it there would still need to be a discussion regarding the time lapse from practice.

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

SECOND: Dr. Figge.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

The Board entered into Executive Session at 8:55 p.m.

The Board returned to Open Session at 9:11 p.m.

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

Ms. Bain stated for the record that she does not know this physician and is not aware of the physician outside of this matter.

Ms. Bain withdrew her motion and Dr. Krahn withdrew her second.

MOTION WITHDRAWN.

Dr. Gillard noted that a denial would be reported to the NPDB. Dr. Gillard noted that the physician did request the license and completed the evaluation but expressed

concern that the physician does not understand that the practice limitation needs to be lifted.

MOTION: Dr. Gillard moved to table the matter until such time that Dr. Jalowsky submits the appropriate request to lift the practice limitation as instructed.

SECOND: Dr. Krahn.

Dr. Farmer noted that Board staff has been more than clear about what is required and the fact that he cannot understand the process is concerning as well as the length of time from practice. Dr. Gillard noted that a physician can go to the FSMB and request to take the SPEX exam.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

iii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE REACTIVATION AND RECOMMENDED ADVISORY LETTER

1. MD-22-0860A, ANDREW J. MCDONNELL, M.D., LIC. #30220

MOTION: Dr. Gillard moved to Reactivate the license and issue an Advisory Letter for practicing medicine in other states while maintaining an inactive Arizona license. 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.

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

VOTE: 10-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.

MOTION PASSED.

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

1. THIS CASE HAS BEEN MOVED TO AGENDA ITEM N. ii
2. THOMAS A. SHANG, M.D., LIC. #N/A

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

SECOND: 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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

v. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LENSURE BY ENDORSEMENT PURSUANT TO A.R.S. § 32-1426(B) AND R4-16-201(F), OR TAKE OTHER ACTION

1. MOHAMMED I. AWAAD, M.D., LIC. #N/A

Dr. Gillard summarized that the physician has no board certifications but he has five state licenses without actions, 48 years of practice and a note that he did have

cardiovascular boards that expired in 2015. Dr. Gillard noted that the physician has been in practice the whole time.

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

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member abstained: Ms. Bain. The following Board member was absent: Ms. Dorrell.

VOTE: 10-yay, 0-nay, 1-abstain, 0-recuse, 1-absent.

MOTION PASSED.

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

OTHER BUSINESS

O. REQUEST FOR TERMINATION OF BOARD ORDER

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

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

Dr. Gillard noted that at the November meeting he had not remediated all the concerns at that time but in February went to a formal interview before committee A.

Board staff confirmed that at the February meeting the Committee issued a non-disciplinary CME order for his last chart review and recommended termination of this Board order. Due to a lack of statutory authority the Committee was unable to terminate at that time, so he requested termination again before the full Board.

MOTION: Dr. Gillard moved to grant the request for termination of the May 5, 2017 Board Order.

SECOND: Dr. Moschonas.

Dr. Beyer noted that at the Committee meeting there was discussion regarding the care he was providing and felt at the time it was appropriate to terminate this Board order.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

P. GENERAL CALL TO THE PUBLIC

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

Q. ADJOURNMENT

MOTION: Dr. Krahn moved to adjourn the meeting.

SECOND: Ms. Jones.

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, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald. The following Board member was absent: Ms. Dorrell.

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

MOTION PASSED.

The meeting adjourned at 9:44 p.m.




Patricia E. McSorley, Executive Director