



Arizona Medical Board

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

Home Page: <http://www.azmd.gov>

Telephone (480) 551-2700 • Fax (480) 551-2705 • In-State Toll Free (877) 255-2212

FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Wednesday, July 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 5:05 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

- Update on the Implementation of SB1602, Dental Anesthesia Requirements

Ms. McSorley reported that this bill was signed into law on June 20th and anyone who administers anesthesia must register with their respective boards. Staff is working with other Board's to create a document to record who's administering anesthesia.

Dr. Farmer commented that although this may not be hard to comply with it may cause confusion and recommended staff work with the Anesthesia Society and ARMA to get that information to the targeted audience.

- Update on the Implementation of HB2043 and Collaborative Practice by Physician Assistants

Ms. McSorley reported that she is working with the PA Board on a process on how to roll out the collaborative practice law that was adopted. Ms. McSorley noted that this does not affect this Board directly but will staff.

- Update on HB2001 (Radiologist/Training/DHS Rules)

Ms. Mcsorley reported that there has been no movement but there is a desire to allow the Department of Health Services to create rules that do not exceed the Medicare rules for the training of radiologist technicians. There is a push to remove some of the more stringent training requirements that currently exist in Arizona rules and have them tempered a bit.

Dr. Farmer noted that the intention is to address the shortage of technicians.

- Discussion Regarding Future Board Meetings

Ms. McSorley reiterated that the next Board meeting is August 2nd and it is an in-person meeting. The September meeting will be via Zoom.

E. CHAIR'S REPORT

R. Screven Farmer, M.D., Chair

F. LEGAL ADVISOR'S REPORT

- Update re: Appeal for Judicial Review *Dean R. Silver, M.D. vs. Arizona Medical Board*, Case #LC2023-000202-001

Ms. Smith informed the Board that a judicial review action has been filed.

Ms. Campbell noted that she provided a memorandum on where the case is at for the Board's review.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

Dr. Farmer opined that alternating months is working smoothly at this time.

H. APPROVAL OF MINUTES

- May 15, 2023 Summary Action Meeting

MOTION: Dr. Krahn moved to approve the May 15, 2023 Summary Action Meeting minutes.

SECOND: Dr. Gillard.

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

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

MOTION PASSED.

LEGAL MATTERS

I. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON SETTLEMENT OFFER IN LIEU OF FORMAL HEARING

1. MD-21-0252A, KELLY D. KARTCHNER, M.D., LIC. #17723

Dr. Kartchner and counsel Heather Macre participated virtually. AAG Smith appeared virtually on behalf of the State. AAG Mark Brachtl appeared virtually as the Board's Independent Legal Advisor.

Ms. Smith stated that this matter is before the Board for approval of a consent agreement for a Decree of Censure. The case originally arose out of an allegation that Dr. Kartchner was impaired while on duty at a hospital. Dr. Kartchner has denied the allegations of impairment due to substance abuse in the case. However, during the course of the

Board's investigation respondent was requested to complete a comprehensive evaluation and failed to do so. Dr. Kartchner failed to respond to the remainder of the Board's investigation, stating that he retired from the practice of medicine subsequently, after the after Dr. Kartchner's license expired due to non-renewal. Dr. Kartchner's counsel contacted the Attorney General's Office and requested an option that would allow him to reapply for licensure and demonstrate his current fitness for duty. The parties have negotiated and agreed to the attached consent agreement for a Decree of Censure. Ms. Smith, on behalf of the Stated, requested that the Board rescind the referral to formal hearing and adopt the proposed content agreement.

Ms. Macre stated that at the time of this incident Dr. Kartchner was in a bad place and regrets what happened. Dr. Kartchner wishes to settle this matter so that he can continue to practice close to his friends and family. Ms. Macre requested that the Board accept the proposed consent agreement.

Dr. Gillard noted that the physician's license has expired. This would resolve the matter and allow the physician to reapply for licensure.

MOTION: Dr. Krahn moved to rescind the referral to formal hearing and to accept the proposed consent agreement for a Decree of Censure.

SECOND: Dr. Bethancourt.

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

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

MOTION PASSED.

CONSENT AGENDA

J. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Figge moved to dismiss item numbers 1-3.

SECOND: Dr. Gillard.

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

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

MOTION PASSED.

1. MD-21-0433A, MICHAEL T. LAWTON, M.D., LIC. #35922
K.L. addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard noted that the Board has reviewed and considered this matter.

RESOLUTION: Dismiss.

2. MD-22-0539A, WOOKJIN CHUN, M.D., LIC. #35822

RESOLUTION: Dismiss.

3. MD-22-1184A, TERESA L. DIAZ, M.D., LIC. #64953

RESOLUTION: Dismiss.

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Gillard moved to issue an Advisory Letter in item numbers 4-7.

SECOND: Dr. Bethancourt.

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

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

1. MD-22-0819A, JOSE A. MENENDEZ, M.D., LIC. #35922

Counsel Cody Hall addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

Dr. Beyer opined that the language used in the informed consent is broad and that physicians comment on things they routinely discuss without listing each one. Dr. Beyer opined that this may not been such a shocking outcome that it demanded specific notation.

MOTION: Dr. Beyer moved to dismiss.

SECOND: Dr. Artz.

Dr. Artz spoke in favor of the motion as the complaint was regarding something different and noted that the risks on the consent lists nerve damage.

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

The following Board member was absent: Ms. Bain

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

MOTION PASSED.

2. MD-22-0506A, KEVIN L. BERGER, M.D., LIC. #26170

Dr. Berger and counsel Andrew Plattner addressed the Board during the Public Statements portion of the meeting.

Dr. Krahn spoke in favor of dismissal. This was an incredibly complicated situation and opined that meeting the needs of the patient and family were difficult. Given the physician's comments, this does not rise to the level of an Advisory Letter. Dr. Krahn further commented that was not a clear case of patient abandonment.

MOTION: Dr. Krahn moved to dismiss.

SECOND: Dr. Bethancourt.

Dr. Bethancourt noted that this was a difficult patient and that the physician cannot support this type of patient without full support of the family. Dr. Bethancourt opined that videoconference visits would not have sufficed.

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

The following Board member was absent: Ms. Bain

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

MOTION PASSED.

3. MD-22-0945A, NICOLAUS J. HAWBAKER, M.D., LIC. #47680

Dr. Hawbaker and counsel Cody Hall addressed the Board during the Public Statements portion of the meeting. Dr. Figge stated that he knows the physician but it would not affect his ability to adjudicate this case.

Dr. Bethancourt agreed with the Medical Consultant ("MC") regarding the documentation, however; if there was a performance of a rectal exam with simultaneous palpation of the right lower quadrant looking for retrospective sequence Dr. Bethancourt stated he didn't see that. Dr. Bethancourt stated that when looking at the CT scan, there is a quote "no evidence to suggest appendicitis now". Dr. Bethancourt found that convincing, and the fact that the Dr. Hawbaker did recommend that the physician should return to the emergency room if symptoms worsen within the next 24 hours and to see their PCP in two to four days. Dr. Bethancourt spoke in favor of dismissal.

MOTION: Dr. Bethancourt moved to dismiss.

SECOND: Dr. Gillard.

Dr. Gillard noted that this was an atypical presentation and spoke in favor of dismissal. Dr. Figge commented that you do not go back to a patient with abdominal pain and without a hands-on examination. Dr. Figge found the physician's statements credible. Dr. Figge noted that the patient did receive pain medicine which helps, but commented that knowing whether the abdomen is tender is important. The CT scan is also telling. The patient did not have enough symptoms to come back and follow up three days later. Dr. Figge opined that all of this is atypical and spoke in favor of the dismissal.

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

The following Board member was absent: Ms. Bain

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

MOTION PASSED.

4. MD-23-0047A, NICHOLAS K. BUJAK, M.D., LIC. #40492

RESOLUTION: Advisory Letter for failing to report a misdemeanor charge. 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-21-0953A, DAVID L. KILLION, M.D., LIC. #22220

RESOLUTION: Advisory Letter for failure to submit a referral in a timely manner for a patient with prostate cancer. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

6. MD-22-0931A, BRIAN G. CROMWELL, M.D., LIC. #57172

RESOLUTION: Advisory Letter for failing to diagnose a right femur fracture on a CT scan. 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.

7. MD-22-0816A, RANDALL J. ROY, M.D., LIC. #49498

RESOLUTION: Advisory Letter for failing to discuss and document the extensive risks of treatment options in a patient with a chronic deep bone infection. 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-22-1116A, SAAD AL ALOU, M.D., LIC. #42670

Dr. Beyer opined that this might require CME. Dr. Beyer noted that this was a three year-old child with acholic stools and abnormal lab results and opined that this was not managed correctly. Dr. Gillard noted that there was some notation that otitis media was diagnosed by telemedicine. Dr. Figge commented that kids are resilient but there are some red flags that you cannot miss, and given the acholic stools this was a miss.

MOTION: Dr. Beyer moved to issue an Advisory Letter and Order for Non-Disciplinary CME for failing to obtain liver function testing in a child with acholic stools and for inadequate documentation. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in the evaluation and management of liver disease in pediatric patients. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Figge.

Ms. Jones commented that the MC noted issues with the medical records and opined that CME may be needed for medical recordkeeping. Dr. Beyer agreed that there are issues regarding the records but opined that CME is not needed for the records violation. Dr. Figge agreed that the records do not rise to the level of requiring CME but that the patient care does.

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

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

MOTION PASSED.

9. MD-22-0266A, KENNETH K. CHOI, M.D., LIC. #27206

Dr. Figge recused from this case.

Dr. Artz noted that the patient was very upset and went and got a second opinion. The MC agreed that there was no deviation in the standard of care and that the medication was correct. SIRC recommended an Advisory Letter for documentation however the MC did not. The other physician was able to take over care with the same diagnosis from these records.

MOTION: Dr. Artz moved to dismiss.

SECOND: Dr. Gillard.

Dr. Gillard noted that there may have been issues with compliance and opined that the records were fine. Dr. Farmer noted that the admin committee is slated to discuss what should rise to the level of an advisory letter.

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

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

MOTION PASSED.

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

1. MD-22-0635A, KRISTINA M. RAMIREZ, M.D., LIC. #30564

Dr. Ramirez and counsel Andrew Plattner addressed the Board during the Public Statements portion of the meeting.

Dr. Bethancourt noted that the patient stopped taking the medication after two days and disagreed with the MC for faulting the physician for not following up appropriately. Regarding the documentation about marijuana abuse disorder, this information came from CFSS. Dr. Bethancourt noted that the complaint was filed by the brother who has an obsessive compulsive disorder.

MOTION: Dr. Bethancourt moved to dismiss.

SECOND: Dr. Gillard.

Dr. Gillard opined that upon review of the complaint and hearing from the physician, that this was an uncooperative patient. Dr. Gillard stated that there were no issues with the records and spoke in favor of dismissal. Ms. Jones noted that the physician and the practice have taken steps to improve their documentation. Dr. Krahn expressed concern regarding the comments of possible drug seeking behavior in the records and opined that there is room for improvement. Dr. Figge noted that the records problem is a systems issue with the employer and that the physician is taking measures to improve her records.

VOTE: The following Board members voted in favor of the motion: Dr. Farmer, Dr. Gillard, Dr. Krahn, Dr. Artz, Dr. Moschonas, Dr. Figge, Dr. Bethancourt, Dr. Beyer,

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

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

MOTION PASSED.

2. MD-22-0664A, SHAHID HABIB, M.D., LIC. #43691

Dr. Artz noted that this was a malpractice settlement and opined that CME is not needed.

MOTION: Dr. Artz moved to issue an Advisory Letter for failing to order a hepatic MRI resulting in a delay in treatment. 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. Figge

Dr. Figge agreed that going through the malpractice process teaches the physician more about the situation and possible changes than CME would.

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

The following Board member was absent: Ms. Bain

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

MOTION PASSED.

M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. MD-22-0180A, AMAR P. PATEL, M.D., LIC. #57027

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

Dr. Gillard expressed concern that the MC stated that there was cancer and the patient stated she's cancer free. Dr. Gillard stated that a second review may be needed.

Dr. Beyer stated that the patient does have high grade cancer it is just non-invasive. Dr. Beyer commented that the physician acted on what it looked like to get things moving and given the way it looked and the diagnosis this was good care.

Dr. Goldberg stated that they were aggressive in the beginning because it looked so bad. The cancer diagnosis was confirmed by two urologists, the only change is the stage of the cancer.

Dr. Figge noted that the MC stated that the patient and the family are under the impression that there is no cancer but there is. Dr. Figge commented that it is better to overtreat then undertreat and that the patient should not ignore this. This needs to be looked at again and addressed.

MOTION: Dr. Gillard moved to uphold the ED dismissal.

SECOND: Dr. Beyer.

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

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

MOTION PASSED.

2. MD-22-0894A, MOHAMED M. A. ABDELRAHMAN, M.D., LIC. #60036

Dr. Beyer noted that a pacemaker device was implanted but was never set up for monitoring. Dr. Beyer opined that this was a miss and rises to the level of an Advisory letter. Dr. Bethancourt disagreed with issuing an advisory letter because of the statement that this was due to the pandemic and they could not get it. Dr. Figge noted that it's in the notes that when the cardiologist found out that this was a system problem due to the

pandemic he corrected the issue. Dr. Krahn expressed concern as many experienced supply chain issues and this should have been explained to the patient.

Ms. Smith informed the board if Board members believe an Advisory Letter may be appropriate, they should refer the case to SIRC.

MOTION: Dr. Beyer moved to return to the case to direct SIRC to consider issuance of an Advisory Letter.

SECOND: Dr. Krahn.

Dr. Farmer spoke in favor of the motion to allow Board members to take a second look. Dr. Bethancourt explained that in reality if the recording picks up something, unless it is very significant, there is a delay of a week or two. Dr. Figge stated that if any significant event occurred, the patient would probably have symptoms. Dr. Figge reiterated that as soon as the physician found out that it was not being monitored, he did everything he could. Dr. Beyer agreed that there are mitigating circumstances and that nobody, including the patient, was aware that there was a problem, and these devices are put in patients because it has value and therefore there was a miss.

Board staff noted that the patient had his own cardiologist and when he saw this physician's partner he was instructed to follow up with his cardiologist. It is standard to transfer the monitoring of the device to the patient's cardiologist but the patient did not follow up with his own cardiologist for approximately 8 months.

Dr. Artz noted that the MC stated that this does not go outside of the standard of care and since the doctor recognized that this was a problem he has since changed his practice to prevent this. Dr. Artz spoke against the motion to have this case re-reviewed.

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

VOTE: 4-yay, 7-nay, 0-abstain, 0-recuse, 1-absent.

MOTION FAILED.

MOTION: Dr. Figge moved to uphold the ED dismissal.

SECOND: Dr. Gillard

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

VOTE: 8-yay, 3-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

N. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. MD-22-0433A, SARMAD J. ALMANSOUR, M.D., LIC. #47366

MOTION: Dr. Krahn moved to accept the consent agreement for a Letter of Reprimand and Probation to comply with the Michigan Board Order. Once the licensee has complied with the terms of probation, he must affirmatively petition the Board to request that the probation be terminated. Dr. Almansour's request for termination shall demonstrate that the Michigan Board Order has been terminated.

SECOND: Dr. Gillard.

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

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

MOTION PASSED.

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 1-2 and 4-6.

SECOND: Dr. Bethancourt.

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

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

MOTION PASSED.

1. MD-23-0099A, ARUN R. KRISHNAN, M.D., LIC. #N/A

RESOLUTION: License granted.

2. MD-22-0989A, JAMES W. TURNER, M.D., LIC. #N/A

RESOLUTION: License granted.

3. MD-23-0517A, MICHAEL J. O. RAMSAY, M.D., LIC. #N/A

Ms. Jones expressed concern that this physician has had 5 malpractice cases and 4 of them were within a 6-8 year time period for missed diagnosis. Dr. Gillard stated that there has to be something more egregious than just a number of malpractice cases. Dr. Beyer commented that if there was a concern that this physician was not at the top of his game after 40 years of practice there would be issues since 2017. Dr. Beyer noted that the malpractice amounts are small and therefore these weren't significant. Ms. Jones stated that as a member of the public this gives rise to concern regarding the missed diagnoses. Dr. Figge noted that the Board has limited information and that the CMC reviewed all this and opined that an MC consultation was not needed. Dr. Figge expressed confidence in the CMC and that it has been reviewed. Dr. Gillard further noted that multiple states have reviewed this and no board action has been taken.

MOTION: Dr. Gillard moved to 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, Dr. Moschonas, Dr. Figge, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, and Ms. Oswald. The following Board member voted against the motion: Ms. Jones. The following Board member was absent: Ms. Bain.

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

MOTION PASSED.

4. MD-23-0558A, DARREN D. PHELAN, M.D., LIC. #N/A

RESOLUTION: License granted.

5. MD-22-0600A, JAMIE S. HUTTON, M.D., LIC. #N/A

RESOLUTION: License granted.

6. MD-23-0566A, JAMES A. SHIRLEY, 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. MD-23-0003A, ERIC T. M. H. NGUYEN, M.D., LIC. #N/A

Dr. Farmer noted that given the 24 hours noticing requirement, his case was not pulled from the agenda but this physician has withdrawn his license application.

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

1. UHNG-KYU R. SHIM, M.D., LIC. #N/A

Dr. Gillard noted that the physician was called to duty from the reserves, and this was considered as employment. Dr. Gillard opined that this should not be called employment and recommended granting the license.

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

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

MOTION PASSED.

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

OTHER BUSINESS

P. APPEAL OF EXECUTIVE DIRECTOR ACTION

1. MD-22-1166A, ATTILA MADY, M.D., LIC. #24825

Dr. Farmer noted that the physician has the right to appeal an ED action and that the Board can support the ED's decision or grant the appeal. Dr. Figge noted that there have been multiple changes to the physician's story and the ED is asking for further investigation. Dr. Figge opined that this is an appropriate way to proceed as this physician is potentially unregulatable.

MOTION: Dr. Figge moved to deny Dr. Mady's appeal of the Interim Order for Neuropsychological Evaluation. Dr. Mady shall schedule the evaluation within 14 days and complete it within 60 days.

SECOND: Dr. Krahn.

Ms. Jones opined that the investigation staff has done a good job and reviewed information from other agencies. The physician's story has changed a few times and therefore spoke in favor of the motion. Dr. Krahn stated that the Board needs as thorough an investigation as possible

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

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

MOTION PASSED.

Q. GENERAL CALL TO THE PUBLIC

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

R. ADJOURNMENT

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

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

MOTION PASSED.

The meeting adjourned at 7:10 p.m.




Patricia E. McSorley, Executive Director