



Arizona Medical Board

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FINAL MINUTES FOR REGULAR SESSION MEETING

Held on Wednesday, August 2, 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 8:03 a.m.

B. ROLL CALL

Lois E. Krahn, M.D., Secretary

The following Board members were present: Dr. Farmer, Dr. Gillard, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, Dr. Figge, Ms. Jones, Dr. Moschonas and Ms. Oswald.

The following Board members were absent: Dr. Artz, Ms. Bain and Dr. Krahn.

ALSO PRESENT

The following Board staff participated in the meeting: Patricia McSorley, Executive Director; Kristina Jensen, Deputy Director; Claude Deschamps, MD, Chief Medical Consultant; Michelle Robles, Board Operations Manager. Carrie Smith, Assistant Attorney General ("AAG") also participated.

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

- Review, Discussion and Possible Action Regarding Reports Due on September 1, 2023
 - AMB Annual Report
 - Ms. McSorley noted the increase in active licensees, which is now over 29,000. .
 - AMB Strategic Plan

Ms. McSorley reported that staff is beginning to work on a dashboard that encapsulates all of the agency's data which will make it easier when making big item decisions. The second item is regarding a request for monies to support the hiring of four additional investigators. Ms. McSorley noted that the investigations have gotten more complex and the information that needs to be gathered and synthesized has increased. There is a push to have investigations completed in 180 days and the most important goal is to have a complete and thorough investigation. Ms. McSorley noted that additional training for current and future investigators is a goal going forward.

Ms. Rivera informed the Board of the required training investigators must undergo by law and the various training that are taken given on the specific cases at that time.

Ms. McSorley confirmed that the new investigators will not be able to be hired until 2025. Currently there are seven investigators but would like to increase that to 11. Staff is currently utilizing the temp to hire route, which has been a benefit in the event that an individual does not fit the position staff is able to end the contract.

- AMB FY2025 Request for Additional Appropriation

- Review, Discussion and Possible Action of Draft Five Year Review Report for Article 5 (Executive Director Duties)

Ms. McSorley informed the Board that upon review there is no need to make additions or edits to what is in place. The process regarding the duties that are delegated to the ED are working well.

Dr. Farmer agreed that it is working and does not need to be edited.

MOTION: Ms. Jones moved to approve the Five Year Review Report for Article 5 and submit it to the regulatory review committee.

SECOND: Dr. Bethancourt.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

- Discussion Regarding AMB Meeting Calendar for 2024

Ms. McSorley noted that a new proposed 2024 calendar has been provided for Board members' consideration.

Dr. Farmer noted that staff works to accommodate Board members' requests and consider the availability of the boardrooms.

E. CHAIR'S REPORT

- Discussion Regarding Education for Board Members

Dr. Farmer noted that additional and ongoing training for board members is needed. Dr. Farmer recommended a live training session prior to the 5:00 p.m. meetings and if members are not able to attend, they are recorded, and members can watch them at their leisure. Dr. Farmer noted that the FSMB has online modules available as well.

Board members noted the FSMB discussion regarding the IV pops up and that a licensed prescriber is required in the state of AZ.

F. LEGAL ADVISOR'S REPORT

No report given.

G. APPROVAL OF MINUTES

- May 3, 2023 Special Teleconference Meeting

- June 9, 2023 Regular Session Meeting; including Executive Session

MOTION: Dr. Gillard moved to approve the May 3, 2023 Special Teleconference and the June 9, 2023 Regular Session minutes; including Executive Session.

SECOND: Dr. Bethancourt.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

CONSENT AGENDA

H. CASES RECOMMENDED FOR DISMISSAL

1. MD-22-0580A, STEPHEN C. REMOLINA, M.D., LIC. #45477

Dr. Remolina and counsel Brianna Quinn addressed the Board during the Public Statements portion of the meeting.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Ms. Oswald.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

I. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Gillard moved to issue an Advisory Letter in item numbers 1 and 2.

SECOND: Dr. Moschonas.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

1. MD-22-0262A, REBECCA P. NARA, M.D., LIC. #32180

RESOLUTION: Advisory Letter for failing to timely sign a death certificate. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

2. MD-22-1001A, DAVID L. MCGAREY, M.D., LIC. #25297

RESOLUTION: Advisory Letter for failing to perform imaging to identify an intraocular foreign body. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

3. MD-22-0583A, IVANA DZELETOVIC, M.D., LIC. #40607

Dr. Dzeletovic and counsel Brianna Quinn addressed the Board during the Public Statements portion of the meeting.

Ms. Jones commented that the physician was put in a difficult position and noted that there was a Mayo Ethics Committee investigation with a note in her personnel file. Ms. Jones further noted that the physician has taken CME for prescribing and opined that after hearing from the physician this would not happen again.

MOTION: Ms. Jones moved to dismiss.

SECOND: Dr. Gillard.

Dr. Farmer noted that this was self-reported and agreed that this would not happen again. Dr. Farmer opined that it would not increase public safety to issue an Advisory Letter. Dr. Bethancourt noted that as a resident she was put in a difficult position by the chairman. Dr. Beyer stated that the action in question did happen and should not have happened and opined that an Advisory Letter is appropriate to keep a record. Dr. Figge agreed that this is a violation of the practice act but given the circumstances the Board does have discretion. Dr. Figge opined that this is not something that needs to be tracked even though it meets the criteria for an Advisory Letter. Ms. Oswald spoke in favor of the motion as the physician did ask the chair regarding the documentation which shows interest on the physician's behalf that she tried to make a record. Dr. Farmer commented that the behavior of the chair was the more egregious behavior.

Board staff noted that there is an investigation regarding the chairman.

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

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

MOTION PASSED.

4. MD-22-0149A, FADI DEEB, M.D., LIC. #38120

Counsel Paul Giancola addressed the Board during the Public Statements portion of the meeting. Dr. Farmer stated that he knows the physician, but it does not affect his ability to adjudicate the case. Dr. Figge stated that he's on staff where the physician practices, but it does not affect his ability to adjudicate the case.

Dr. Figge summarized that the complaint was that the physician did not repeat the EGD on the same day. Dr. Figge stated that this was a medical judgement and noted that the patient was fine for a couple of days. There was a bad outcome with medical malpractice. Dr. Figge opined that the repeat EGD does not fit the recommended advisory letter.

MOTION: Dr. Figge moved to dismiss.

SECOND: Dr. Gillard

Dr. Farmer stated that this was a complicated patient but given the risk/benefit decisions, the physician's decision making was thoughtful, and the physicians' letter was persuasive.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

5. MD-22-0951A, PRASAD S. RAVI, M.D., LIC. #53608

Dr. Beyer summarized that a 17-year-old was admitted to Children's hospital and did not get a full workup. The patient was discharged and subsequently died. Dr. Beyer inquired why this was not recommended for discipline.

Board staff explained that the committee did discuss this matter at length and noted that three surgeons participated in the SIRC committee discussion.

Dr. Figge spoke in favor of the advisory letter and noted that there was a large settlement lawsuit. Dr. Figge further commented that the physician does not always have the benefit of hindsight. The patient was monitored for some time and the final diagnosis was an incredibly rare disease. Dr. Figge stated that this was a judgment call and opined that the public is protected with the advisory letter. Dr. Gillard agreed at this point, there has

already been discipline with the settlement and spoke in favor of the advisory letter. Dr. Bethancourt noted that this was when COVID was at its peak and there should have been a higher acuity for a 17 year old coming in with an elevated troponin. Dr. Moschonas noted SIRC considered discipline but due to the difficulty of the diagnosis and given the rarity of the condition the decision was not to impose discipline. Dr. Beyer acknowledged that it was a rare diagnosis, but opined that the patient was owed a clear diagnosis and a therapeutic plan before being discharged. Dr. Beyer stated that he does not know if the physician has learned from this and opined that this should be sent back for a formal interview or a consent agreement. Ms. Oswald agreed to invite the physician in for an interview. Dr. Farmer opined that we shouldn't be biased by the outcome however; there are a lot of questions here. Dr. Farmer inquired about the Board's options.

Ms. Smith informed the Board that they may vote to return the case for further investigation to offer a Letter of Reprimand and be given the option to participate in a formal interview or formal hearing. The Board can also return for further investigation to have the physician participate in a staff interview.

MOTION: Dr. Beyer moved to return the case for further investigation to offer the physician a Consent Agreement for a Letter of Reprimand.

SECOND: Dr. Bethancourt

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

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

MOTION PASSED.

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

1. MD-22-0487A, JAMES C. CORD, M.D., LIC. #21540

MOTION: Dr. Gillard moved to issue an Advisory Letter for unprofessional behavior. 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. Moschonas.

Dr. Figge noted that the physician has already completed the recommended CME.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

2. MD-22-0133A, PAUL M. PAPOFF, M.D., LIC. #14171

Dr. Papoff addressed the Board during the Public Statements portion of the meeting. Dr. Beyer stated that he knows the physician but that it would not affect his ability to adjudicate the case.

Dr. Figge opined that ordering five hours on urologic emergencies is needed given the large settlement lawsuit. Dr. Figge noted the physician's call to public comments which leaves room for debate.

MOTION: Dr. Figge moved to Issue an Advisory Letter for failing to diagnose and treat invasive squamous cell carcinoma of the penis. 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. Gillard.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

3. MD-22-0873A, KEVIN D. THOMAS, M.D., LIC. #65215

Counsel Patrick White addressed the Board during the Public Statements portion of the meeting on behalf of the physician. D.T. addressed the Board during the Public Statements portion of the meeting.

MOTION: Dr. Figge moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inappropriately prescribing levofloxacin for the treatment of pneumonia in an elderly patient. 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 2 hours of Board staff pre-approved Category I CME regarding appropriate antibiotic choices in the treatment of pneumonia; and complete no less than 3 hours of Board staff pre-approved Category I CME regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Gillard.

Dr. Bethancourt spoke against the motion and noted that the physician switched medication when the patient was not getting better, which is within the standard of care. It's difficult to predict who's going to develop a ruptured tendon and this drug is prescribed frequently in the hospital. Dr. Beyer spoke in favor of the motion since the patient was not aware that a decision was made and there was no discussion of the risks of the medication. Dr. Figge noted that there were a number of options regarding what to treat and how to treat and noted that the physician should have had the discussion regarding the risks. Ms. Oswald noted the physician's proactive approach to complete the CME. Dr. Gillard noted that when looking at the images there are no signs of pneumonia. Dr. Bethancourt opined that when the physician stated he was sorry it was not an admission of guilt but that he was sorry that this happened to the patient. Dr. Farmer noted that there is "I'm sorry" legislation and that you cannot hold against the physician for saying I'm sorry. Dr. Figge noted that the physician has only signed up for the CME; he has not completed it yet. Ms. Jones commented that it was obvious that this has affected the patient's quality of life. Dr. Farmer noted that this drug does have a black box warning and it did not seem that this medication was indicated. Dr. Farmer opined that education is warranted.

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

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

MOTION PASSED.

4. MD-22-0178A, RONALD S. D. SHILL, M.D., LIC. #31930

Dr. Figge opined that given the medical malpractice the CME is not needed.

MOTION: Dr. Figge moved to issue an Advisory Letter for failing to identify and report a pancreatic mass on a CT scan. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

SECOND: Dr. Gillard.

Ms. Jones spoke against the motion since during malpractice the physician is in a defensive position, which is different from taking further education. Dr. Gillard the physician reads abdominal films all the time and opined that 3 hours of CME is not

effective. Dr. Beyer spoke in favor of CME and commented that the Board can assume that the physician has learned from the trial but we don't know that for sure. The physician's review of the case is on the specific issue and there is still some value to the CME. Dr. Farmer noted that there is a misread rate. Dr. Beyer commented that the object is to identify the pathology the first time and then have overreads to identify errors. Dr. Gillard opined that given this case the physician will be paying attention to the pancreas. Ms. Oswald noted that the MC said this could have been a one-time anomaly and that staff recommended the CME given the 2017 settlement. Dr. Figge commented that working in an ER a lot of physicians are scooped into the malpractice settlement.

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

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

MOTION PASSED.

K. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. MD-22-0544A, BEN E. LEFF, M.D., LIC. #28302

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

MOTION: Dr. Figge moved to uphold the dismissal.

SECOND: Dr. Gillard

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

L. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Beyer moved to accept the Proposed Consent Agreements in item numbers 1-6.

SECOND: Dr. Figge.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

1. MD-22-0649A, PADMAVATHY TUMMALA, M.D., LIC. #21393

RESOLUTION: Consent Agreement for Probation with Final Practice Restriction. Dr. Tummala's practice is restricted in that she shall not practice medicine and is prohibited from prescribing any form of treatment including prescription medications until the physician applies to the Board and receives permission to do so. The Board may require any combination of examinations and/or evaluations in order to determine whether or not the physician is safe to resume practice and the Board may continue the Practice Restriction or take any other action consistent with its authority.

2. MD-21-0510A, MD-21-0825A, CHARLES B. EVANS, M.D., LIC. #37616

Counsel Brianna Quinn addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

RESOLUTION: Consent Agreement for a Decree of Censure and Two Year Probation. Within thirty days Dr. Evans shall enter into a contract with a Board approved monitoring company to perform periodic chart reviews, at the physician's expense. After three consecutive favorable chart reviews, Dr. Evans may petition the Board to terminate the Probation. Dr. Evans shall not request

early termination of Probation without having completed the chart review process. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board.

3. MD-20-0679A, DAVID C. CHANG, M.D., LIC. #59452
Counsel Gary Fadell addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

RESOLUTION: Consent Agreement for a Letter of Reprimand.

4. MD-22-0586A, KURT W. SPRUNGER, M.D., LIC. #37779

RESOLUTION: Consent Agreement for a Letter of Reprimand.

5. MD-21-1124A, RAPH T. HEAP, M.D., LIC. #11721

RESOLUTION: Consent Agreement for a Letter of Reprimand.

6. MD-22-0504A, MD-22-0744A, MORTON I. HYSON, M.D., LIC. #49700
Dr. Gillard noted the physician's request in the file.

RESOLUTION: Consent Agreement for Surrender of License.

M. LICENSE APPLICATIONS

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

MOTION: Dr. Figge moved to grant the license in item numbers 1-9.

SECOND: Dr. Moschonas.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

1. MD-23-0066A, DAVID B. FOX, M.D., LIC. #N/A

RESOLUTION: License granted.

2. MD-22-1061A, JONATHAN M. WADA, M.D., LIC. #N/A

RESOLUTION: License granted.

3. MD-23-0058A, K. BRANDON STRENGE, M.D., LIC. #N/A

RESOLUTION: License granted.

4. MD-22-1114A, LAUREN F. SCHWARTZ, M.D., LIC. #N/A

RESOLUTION: License granted.

5. MD-23-0298A, ALISON SANDBERG, M.D., LIC. #N/A

RESOLUTION: License granted.

6. MD-23-0014A, ALLAN M. SEIBERT, M.D., LIC. #N/A

RESOLUTION: License granted.

7. MD-22-0235A, BETHANY R. LYNN, M.D., LIC. #N/A

RESOLUTION: License granted.

8. MD-23-0269A, TRACY G. SANSON, M.D., LIC. #N/A

RESOLUTION: License granted.

9. MD-23-0291A, RICHARD A. WOLF, 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.

iii. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE REACTIVATION, OR TAKE OTHER ACTION**

1. MD-22-1091A, MONTE J. SCHWARTZ, M.D., LIC. #33951

Dr. Farmer stated that he knows the physician but it would not affect his ability to adjudicate.

Dr. Figge noted that the physician's license has been inactive since 2016 and hasn't practice since 2013. SIRC recommended a competency evaluation. The physician stated that he would be doing administrative work only.

Ms. Smith clarified that the physician did complete the evaluation and recommendations were made. SIRC recommended Probation to ensure that the skills monitoring was completed. The physician declined the proposed consent agreement for Probation.

MOTION: Dr. Figge moved to deny the license and allow the physician the opportunity to withdraw.

SECOND: Dr. Farmer.

Ms. Smith clarified that staff did speak to the physician yesterday and he is seeking advice from counsel. The Board can table the matter, can grant the reactivation without conditions, deny the reactivation or can grant reactivation upon receipt of the signed consent agreement and payment of fees.

MOTION WITHDRAWN.

Dr. Farmer expressed concern given the time out of practice and noted that SIRC tried to address them with the recommendation for monitoring. Dr. Farmer opined that the reactivation should not just be granted. How the Board proceeds must ensure public safety.

Ms. Young noted that CPEP recommended the reentry program and proctoring.

Board staff informed the Board that the CPEP reentry program is customized to the applicant's particular needs. The Board will be provided with an outline of what the plan consists of and will be given reports for compliance.

Ms. Smith noted that there was a specific plan provided with the CPEP report and that these terms were incorporated into the proposed consent agreement. If the Board has recommendations regarding that plan now would be the time to make those terms known so that they can be incorporated into a consent agreement

MOTION: Dr. Figge moved to table the case until the next Board meeting to allow Dr. Schwartz additional time to consider the recommended consent agreement.

SECOND: Ms. Jones.

Dr. Gillard noted that the evaluation found the physician to be average or above average but found that some of his surgical approaches are outdated. Dr. Gillard and Dr. Beyer agreed with the recommended Probationary license.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

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

OTHER BUSINESS

N. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-19-0342A, GAREY S. SIMMONDS, M.D., LIC. #23958

Dr. Gillard noted that two PHP experts are in favor of early termination.

MOTION: Dr. Gillard moved to grant the request for termination of the July 12, 2019 Board Order.

SECOND: Ms. Dorrell.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

2. MD-19-0151A, AARON T. SAUNDERS, M.D., LIC. #57930

Dr. Figge noted that this request is two years early, but the physician has been compliant, and his monitoring psychiatrist and independent psychiatrist agree that he is safe to practice.

MOTION: Dr. Figge moved to grant the request for termination of the April 14, 2020 Board Order.

SECOND: Dr. Gillard.

Dr. Gillard opined that although there were some serious issues, two experts are in favor of early termination and the physician did finish a residency program.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

3. MD-21-0171A, KRISTI L. HAROLD, M.D., LIC. #25967

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

Dr. Gillard noted that two experts are in favor of termination.

MOTION: Dr. Gillard moved to grant the request for termination of the May 24, 2021 Board Order.

SECOND: Dr. Bethancourt.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

O. GENERAL CALL TO THE PUBLIC

No individuals addressed the Board during the general call to the public.

P. ADJOURNMENT

MOTION: Oswald moved to adjourn the meeting.

SECOND: Bethancourt.

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

VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

The meeting adjourned at 10:21 a.m.




Patricia E. McSorley, Executive Director