



Arizona Medical Board

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

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

FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Wednesday, November 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 5:05 p.m.

B. ROLL CALL

The following Board members participated virtually: Dr. Farmer, Dr. Gillard, Dr. Artz, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Dr. Figge, Dr. Moschonas, and Ms. Oswald.

The following Board members were absent: Dr. Krahn, Ms. Jones and Ms. Dorrell.

ALSO PRESENT

The following Board staff participated in the meeting: 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

No report was given.

E. CHAIR'S REPORT

- Acknowledgement of Dr. Deschamps' Appointment to Search Committee for the ASU Dean, School of Medicine and Advanced Medical Engineering

Dr. Farmer congratulated Dr. Deschamps on his appointment to the search committee.

F. LEGAL ADVISOR'S REPORT

- Update on *Silver v. Arizona Medical Board*, LC2023-00202-001 DT

Ms. Campbell provided a memo for the Board's review and confirmed that Dr. Silver is represented by counsel and briefly updated the Board on the status of the case.

- 2023 Legislative Advice Memorandum

Ms. Smith noted that the majority of these laws went into effect on October 30th of this year. Ms. Smith informed the Board that DHS will be implementing a new searchable database regarding licensee revocations for all health professionals. There was a new bill that's actually already effective regarding registration of anesthesiologists who are practicing in dental facilities, which serves as an additional mechanism to ensure that those cases are investigated by licensing boards. HB2043 sets up a paradigm for PAs to apply for collaborative practice instead of having a supervising physician. This bill is not effective until Dec 31st of this year.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

Dr. Farmer requested information and education on the "meet and confer" process for ALJ matters. Dr. Farmer also requested information regarding the Pharmacy Board's CSPMP guidelines and policy for filing complaints.

LEGAL MATTERS

H. MOTION FOR REHEARING/REVIEW (FORMAL INTERVIEW)

1. MD-22-0243A, ARMANDO GONZALEZ, M.D., LIC. #24499
Dr. Gonzalez was not present.

Ms. Smith informed the Board that they may deliberate on the written request that was made.

During deliberation, Dr. Beyer noted that during the formal interview the physician stated that there was no dispute over the facts or issues of the case. Dr. Beyer opined that the physician does not understand the process and that this does not require a review or rehearing.

MOTION: Dr. Beyer moved to deny the Motion for Review.

SECOND: Dr. Bethancourt.

Dr. Gillard noted that after three successful chart reviews the probation can be terminated.

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

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

MOTION PASSED.

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

1. THIS CASE HAS BEEN MOVED TO (K)(2).
2. MD-20-0289A, PARESH GOEL, M.D., LIC. #44344

Dr. Goel participated virtually with counsel Bob Milligan. Dr. Monica Faria addressed the Board during the Public Statements portion of the meeting on behalf of the physician. AAG Elizabeth Campbell participated virtually on behalf of the State. AAG Diane DeDea participated virtually as the Board's Independent Legal Advisor.

Dr. Goel apologized for his behavior and care provided to LN. Regarding staff's recommendation, Dr. Goel stated that his mindset is different and that he no longer resists recovery or blames others for his problems. Dr. Goel informed the Board of the support group he has in his personal life and that he now has a different professional setting. Dr. Goel stated that he is confident in his recovery and requested that he be allowed to practice.

Mr. Milligan noted the letters of supports that have been provided to attest to the progress Dr. Goel has made and further noted Dr. Faria and Dr. Johnson's comments regarding why Dr. Goel violated his Board Order. Given that there was no patient harm, letters of support and the changes Dr. Goel has made, Mr. Milligan requested that the Board allow Dr. Goel continue to practice medicine.

Ms. Campbell noted that the issues of the complaint are regarding the delay in getting LN medication and that Dr. Goel should have done a more thorough initial examination of this patient. The main complaint is regarding Dr. Goel's non-compliance and relapse issue. Dr. Goel has been under some form of monitoring with the Board since 2017. He's had some relapses which resulted in two Interim Practice Restrictions. The issue is that Dr. Goel continued to practice during both interim practice restriction. Board staff offered the physician to voluntary surrender or elect to go to formal hearing. Dr. Goel selected a formal hearing, which is scheduled for Monday. Dr. Goel has since submitted a letter stating that he practiced on the restriction and acknowledged the issues with his treatment. Ms. Campbell acknowledged the updated report from Dr. Faria indicating support Dr. Goel continuing on a monitoring program as well as letters of support from Dr. Goel's treating psychiatrists. Ms. Campbell stated this is new information for the Board's consideration. Ms. Campbell stated that the relevant question is whether Dr. Goel continue in his recovery and be regulated by the Board, and if there are parameters that can be put in place to protect the public. Ms. Campbell noted that the parties are not disputing the facts of the case, but rather, the appropriate disciplinary sanction.

During deliberations, Dr. Gillard acknowledged Dr. Goel's two years of sobriety.

MOTION: Dr. Gillard moved for a Decree of Censure and Five Year Probation to participate in PHP with terms consistent with the PHP Contractor's recommendations. In the event of chemical dependency relapse by the physician or physician's use of drugs or alcohol in violation of this Order, Dr. Goel's license shall be summarily suspended pending a hearing for revocation.

SECOND: Dr. Bethancourt.

Dr. Gillard opined that the suspension is not needed due to Dr. Goel's sobriety. Dr. Figge noted that there were two violations of board orders and spoke in favor of the minimum one-year suspension that was proposed in the settlement offer. Dr. Beyer spoke against the motion as this is a little more complicated as there has been a reoccurring pattern and opined another year of sobriety with PHP monitoring and no medical practice would be appropriate. Dr. Beyer spoke in favor of the proposed settlement offer. Dr. Bethancourt acknowledged Dr. Goel's improvement and commented that if the Board continues to suspend his license it may impede his improvement. Ms. Oswald noted that the physician stated that his practice staff has changed significantly and now has additional staff support; which can be taken into consideration if the motion does not include the suspension.

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

VOTE: 4-yay, 5-nay, 0-abstain, 0-recuse, 3-absent.

MOTION FAILED.

MOTION: Dr. Figge moved to accept the settlement as offered for a Decree of Censure with a 5-year period of Suspension (minimum of 1 year) and Probation. As part of the Suspension/Probation, Dr. Goel will continue to engage in a recovery support program and engage a practice monitor for his business, a medical concierge practice, to ensure that he is not practicing medicine through his business.

SECOND: Ms. Oswald.

Dr. Beyer opined that Dr. Goel and counsel have proposed a well-crafted offer and that the public is safe.

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

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

MOTION PASSED.

3. THIS CASE HAS BEEN PULLED FROM THE AGENDA.

J. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON THE ADMINISTRATIVE LAW JUDGE'S RECOMMENDED DECISION.

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. 23A-23830-MDX involving Dr. Linda Thull and in case no. 23A-60767-MDX involving Dr. Keri M. Bentley.

1. MD-22-0156A, LINDA THULL, M.D., LIC. #23830

Dr. Thull was not present. AAG Elizabeth Campbell participated virtually on behalf of the State. AAG Diane DeDea participated virtually as the Board's Independent Legal Advisor.

Ms. Campbell informed the Board that the State is requesting that the Board accept the Administrative Law Judge's (ALJ) recommended decision with the request for changes noted in the State's motion regarding typographical changes and for privacy. Ms. Campbell noted that the motion also requested that the final Order includes the costs for the hearing.

MOTION: Dr. Figge moved to adopt the attached proposed Findings of Fact, which incorporates the requested amendments to the Findings of Fact requested. Initiate the meet and confer process.

SECOND: Ms. Bain.

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

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

MOTION PASSED.

Ms. DeDea informed the Board of the statutory change that now requires the meet and confer process.

Ms. Campbell noted that Dr. Thull did not participate in the formal hearing and was noticed for tonight's meeting and there was no response.

MOTION: Dr. Figge moved to adopt the attached proposed Conclusions of Law and Order to include \$1,232.89 (\$1,023.89 + \$209) for costs incurred by the Board. Initiate the meet and confer process.

SECOND: Dr. Gillard.

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

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

MOTION PASSED.

MOTION: Dr. Figge moved to adopt the ALJ recommendation for revocation and costs in the amount of \$1,232.89. Initiate the meet and confer process.

SECOND: Dr. Gillard.

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

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

MOTION PASSED.

The meet and confer process was initiated. Respondent was absent.

Ms. Campbell, on behalf of the State, requested that the Board accept the ALJ's recommended decision with the modifications as listed and set forth in the State's position.

MOTION: Dr. Figge moved to adopt the attached proposed Findings of Fact, Conclusions of Law and Order, which incorporates the requested amendments to the Findings of Fact requested and the requested amendment to the Order to include \$1,232.89 (\$1,023.89 + \$209) for costs incurred by the Board.

SECOND: Dr. Moschonas.

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

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

MOTION PASSED.

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

Dr. Bentley was not present. AAG Elizabeth Campbell participated virtually on behalf of the State. AAG Diane DeDea participated virtually as the Board's Independent Legal Advisor.

Ms. Campbell confirmed that Dr. Bentley was properly notified of the hearing but did not attend. In addition, following the hearing Dr. Bentley was emailed the State's position on the ALJ's recommended decision. Ms. Campbell requested that the Board adopt the ALJ's recommended decision with a small amendment to the recommended findings of fact to correct the investigator's name as well as a correction to the conclusions of law to correct the statutory site with regard to the proposed form of order. Ms. Campbell requested that the Board accept the ALJ's recommended order for revocation and to include an assessment of the costs in the amount of \$341.09 for the services of the hearing and \$185 for the services of the court reporter for a total of \$526.90.

MOTION: Dr. Gillard moved to adopt the attached proposed Findings of Fact, which incorporates the requested amendments to the Findings of Fact.

SECOND: Dr. Beyer.

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

and Ms. Oswald. The following Board members were absent: Dr. Krahn, Ms. Dorrell and Ms. Jones.

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

MOTION PASSED.

MOTION: Dr. Gillard moved to adopt the attached proposed Conclusions of Law and Order to include \$526.09 (\$341.09 + \$185) for costs incurred by the Board. Initiate the meet and confer process.

SECOND: Dr. Artz.

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

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

MOTION PASSED.

MOTION: Dr. Figge moved to adopt the ALJ recommendation for revocation and costs in the amount of \$526.09. Initiate the meet and confer process.

SECOND: Dr. Moschonas.

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

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

MOTION PASSED.

The Meet and Confer process was initiated. Respondent was absent.

Ms. Campbell, on behalf of the State, requested that the Board adopt the ALJ's recommended decision with the amendments as set forth in the State's position on the ALJ's recommended decision and as incorporated the in the proposed form of Order.

MOTION: Dr. Beyer moved to adopt the attached proposed Findings of Fact, Conclusions of Law and Order, which incorporates the requested amendments to the Findings of Fact and Conclusions of Law as well as the requested amendment to the Order to include \$526.09 (\$341.09 + \$185) for costs incurred by the Board.

SECOND: Dr. Artz.

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

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

MOTION PASSED.

K. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT

1. MD-19-0707A, JULIA A. BARNETT, M.D., LIC. #45569

AAG Elizabeth Campbell participated virtually on behalf of the State. AAG Diane DeDea participated virtually as the Board's Independent Legal Advisor.

Dr. Gillard noted that the Board received a signed consent agreement for surrender dated October 20, 2023.

MOTION: Dr. Gillard moved to rescind the referral to formal hearing and accept the consent agreement for Surrender.

SECOND: Ms. Bain.

Ms. Campbell explained that the formal hearing was taking place when the physician decided this was the avenue she wanted to take and the judge vacated the hearing that day. However, the Board can still move to rescind the referral to formal hearing and accept the consent agreement for surrender.

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

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

MOTION PASSED.

2. MD-18-1084A, MD-18-1216A, MD-19-0250A, MD-19-0304A, HELEN E WATT, M.D., LIC. #22016

AAG Elizabeth Campbell participated virtually on behalf of the State. AAG Diane DeDea participated virtually as the Board's Independent Legal Advisor.

Dr. Gillard noted that a signed consent agreement for surrender was received on October 23, 2023.

MOTION: Dr. Gillard moved to rescind the referral to formal hearing and accept the consent agreement for Surrender.

SECOND: Dr. Bethancourt.

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

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

MOTION PASSED.

L. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-23-0845A, JEAN H. VINCENT, M.D., LIC. #66713

Dr. Vincent was not present.

Ms. Downey summarized that this case was initiated based on a report by a hospital that Dr. Vincent may not be safe to practice medicine. Board staff issued Dr. Vincent an Interim Order for PHP Assessment. The PHP Assessor recommended an additional evaluation to determine safety to practice which Dr. Vincent declined. Dr. Vincent also declined to provide Board staff with additional licensing documentation relevant to this matter. Board staff offered Dr. Vincent an Interim Consent Agreement for Practice Restriction pending his ability to complete the additional evaluation, but he declined it. Board staff requested that the Board summarily suspend Dr. Vincent's license to protect the public since we are unable to determine his safety to practice due to his failure to comply with the Board's Interim Order which required that he comply with any of the PHP Assessor's recommendations.

MOTION: Dr. Figge moved to summarily suspend Dr. Vincent's license pending the outcome of a formal hearing in this matter based on a finding that the public health, safety and welfare imperatively requires emergency action.

SECOND: Dr. Artz.

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

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

MOTION PASSED.

CONSENT AGENDA

M. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Gillard moved to dismiss in items 1-2.

SECOND: Dr. Bethancourt.

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

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

MOTION PASSED.

1. MD-22-0624A, PEDRO P. ORTIZ, M.D., LIC. #44649

RESOLUTION: Dismiss

2. MD-23-0212A, DONNA J. PEACE, M.D., LIC. #31893

RESOLUTION: Dismiss

N. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Gillard moved to issue an Advisory Letter in item numbers 1-5, 7, 9, 11, 13, 17 and 19.

SECOND: Dr. Bethancourt.

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

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

MOTION PASSED.

1. MD-22-1170A, GEORGE D. MOMII, M.D., LIC. #19936

RESOLUTION: Advisory Letter for action taken by the Nevada and Colorado boards. 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.

2. MD-22-0440A, MARC T. AWOBULUYI, M.D., LIC. #37761

RESOLUTION: Advisory Letter for action taken by the Wisconsin and Michigan Boards. 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.

3. MD-23-0213A, MARY E. SCHLOTTERER, M.D., LIC. #21607

RESOLUTION: Advisory Letter for failing to document a pre-operative discussion of the risks, benefits, and treatment options. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

4. MD-22-1162A, LOUIS L. ROLSTON-CREGLER, M.D., LIC. #59390

RESOLUTION: Advisory Letter for actions taken by the West Virginia and Colorado Boards. 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-22-0253A, CONNIE L. OLSON, M.D., LIC. #53169

Dr. Olson addressed the Board during the Public Statements portion of the meeting. Dr. Artz stated that she knows the physician but that it would not affect her ability to adjudicate the matter.

RESOLUTION: Advisory Letter for prescribing controlled substances without establishing a physician-patient relationship, failing to document prescriptions in the medical record, and failing to query the CSPMP prior to prescribing controlled substances. 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.

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

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

Dr. Beyer summarized that this is a case of a patient who had a biopsy confirming recurrent thyroid cancer and who then went on to develop Hodgkin's disease at the same site. Dr. Beyer stated that he cannot criticize the physician for not doing the biopsy because everything was showing that this was a recurrent thyroid cancer but for the fact that there was a good indication to look for new molecular markers to try and find an agent that might work. Dr. Beyer opined that this patient might have gone even longer without another biopsy since another oncologist wouldn't have looked at this and thought that this turned into a lymphoma.

MOTION: Dr. Beyer moved to dismiss.

SECOND: Dr. Figge.

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

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

MOTION PASSED.

7. MD-20-0420A, ALDO B. GUERRA, M.D., LIC. #31587

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

RESOLUTION: Advisory Letter for failing to recognize and diagnose thermal burns. 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-22-0887A, BRUCE A. HALL, M.D., LIC. #25444

Dr. Bethancourt summarized that this is a case of a patient who tested positive for COVID. The physician prescribed Ivermectin, which at this point in time is not acceptable but in 2021, was still up for question and there was indications it may be beneficial. Dr. Bethancourt noted that there was no adverse outcome.

MOTION: Dr. Bethancourt moved to dismiss.

SECOND: Dr. Moschonas.

Dr. Gillard agreed and noted that they may not be letting patients know it's off label. Dr. Beyer spoke against the motion and opined that there wasn't a clear indication for this drug and there should have been a discussion with the parents about the choice of the drug.

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

Farmer and Dr. Beyer. The following Board members were absent: Dr. Krahn, Ms. Dorrell and Ms. Jones.

VOTE: 7-yay, 2-nay, 0-abstain, 0-recuse, 3-absent.

MOTION PASSED.

9. MD-22-0871A, MICHAEL J. HERVEY, M.D., LIC. #45042

RESOLUTION: Advisory Letter for performing a permanent sterilization procedure without 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.

10. MD-22-0314A, DOUGLAS O. FAIGEL, M.D., LIC. #43328

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

Dr. Artz summarized that the physician prescribed to his daughter on multiple occasions. He also asked his colleague, a subordinate, to give a prescription. These are all controlled substances and opined that this was lenient. Dr. Moschonas inquired if more than an advisory letter was appropriate and if discipline was considered. Dr. Gillard noted the CME order by Mayo Clinic, which was completed, but agreed that these were concerning prescriptions. Ms. Oswald agreed that additional action should be taken but acknowledged the CME that was completed.

Ms. Rivera informed the Board that SIRC noted that the physician had already completed the CME courses that are usually recommended in these cases. The facility also took disciplinary action and therefore SIRC recommended an Advisory Letter. The physician has no prior board history and there were no aggravating factors in this case.

Dr. Figge expressed the same concerns regarding prescribing controlled substances to his daughter but since Mayo made him take the PRoBE ethics course spoke in favor of the Advisory Letter. Dr. Gillard noted that the physician has taken full responsibility for his actions.

MOTION: Dr. Gillard moved to issue an Advisory Letter for failing to query the CSPMP prior to prescribing Adderall, failing to maintain medical records, prescribing a controlled substance to an immediate family member, inappropriate direction of a subordinate physician, and prescribing a controlled substance without a physician-patient relationship. 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. Farmer, Dr. Gillard, Dr. Artz, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Dr. Figge, Dr. Moschonas, and Ms. Oswald. The following Board members were absent: Dr. Krahn, Ms. Dorrell and Ms. Jones.

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

MOTION PASSED.

11. MD-23-0128A, JOSEPH L. WILLIAMS, M.D., LIC. #54186

RESOLUTION: Advisory Letter for action taken by the Nevada Board of Pharmacy. 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.

12. MD-20-0906A, MD-22-0838A, MD, SYED Z. TAHIR, M.D., LIC. #19801

Dr. Artz noted that Dr. Tahir had two separate allegations of roughness and for doing the same procedure. These two cases were a year apart but noted that she disagreed with issuing an Advisory Letter since it's a very sensitive concern. There was a third person in the room and it was an uncomfortable situation.

MOTION: Dr. Artz moved to dismiss.

SECOND: Dr. Gillard.

Dr. Gillard agreed with dismissal and commented that to complete a proper exam it is uncomfortable for the patient.

Dr. Haas explained that there was a concern was that there was no female chaperone in either case.

Dr. Bethancourt inquired if it is required by statute to have a female chaperone for a rectal exam.

Ms. Smith stated that with regard to this type of allegation the issue is if there is a standard of care violation that the Board would need to determine based on the medical expertise of the medical consultant and the Board members. There is not a clear statute on this type of examination.

Dr. Farmer noted that its not always required to have a chaperone for certain examinations but that the Board has required it. Dr. Artz agreed that it is good judgement to have a chaperone when conducting these sensitive examinations. Dr. Farmer noted that there is a factor of availability in rural areas. Dr. Beyer agreed with issuing an advisory letter and opined that the Board should not state that a chaperone is required for every examination. Dr. Beyer further commented that this is a physician who does this examination frequently and there are ways to complete the exam to make it more comfortable for the patient and the fact that it was done twice indicates the Board should keep an eye on it. The physician needs to think about how he engages patients when he's doing certain examinations. Ms. Oswald spoke against the motion and stated that although the physician took the CPEP course regarding communication the scenario was insensitive, and the physician should recognize this is important. Ms. Bain expressed concern by the amount of reliance that was put on the resident's interview given the difference in power. Ms. Bain also noted that the physician shouldn't touch the clothes and even in OBGYN offices they leave the room for the patient to change. Ms. Bain opined that there's a lack of recognition here. Dr. Bethancourt opined that the physician wasn't doing anything wrong other than the fact that he was in a hurry and an Advisory Letter is appropriate in letting him know he should be more considerate.

Ms. Rivera clarified that the initial complaint was administratively closed due to insufficient evidence to move forward. Which is what the Board does where there hasn't been a pattern demonstrated but there is some concerning conduct that if another complaint comes in later that is similar it can help demonstrate a pattern and catch areas where these doctors may have gaps. Ms. Rivera further clarified the wording of the recommended advisory letter, which was not for not having a chaperone. It's strictly related to the communication issues. The administrative closure function did what it was supposed to in this case.

Ms. Smith explained that an admin closure can be reconsidered if it is within the statute of limitations. In this case one was from 2020 and one from 2022, which is within the statute of limitations.

Ms. McSorley noted that the notice letter regarding the administrative closure clearly states that it can be reopened if a similar case is received.

Dr. Farmer spoke in favor of the Advisory Letter given the two cases.

VOTE: The following Board members voted in favor of the motion: Dr. Gillard and Dr. Artz. The following Board members voted against the motion: Dr. Farmer, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Dr. Figge, Dr. Moschonas, and Ms. Oswald. The following Board members were absent: Dr. Krahn, Ms. Dorrell and Ms. Jones.
VOTE: 2-yay, 7-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

MOTION: Ms. Oswald moved to issue an Advisory Letter for insufficient communication during sensitive examinations. 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. Farmer, Dr. Gillard, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Dr. Figge, Dr. Moschonas, and Ms. Oswald. The following Board member voted against the motion: Dr. Artz. The following Board members were absent: Dr. Krahn, Ms. Dorrell and Ms. Jones.

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

MOTION PASSED.

13. MD-21-0651A, MD-22-1188A, RONALD J. LEE, M.D., LIC. #33063

RESOLUTION: Advisory Letter for prescribing hydroxychloroquine for the treatment of COVID-19, inadequate documentation, and inappropriate supervision of a physician assistant. 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-22-0147A, LUAY SHAYYA, M.D., LIC. #53465

Dr. Artz stated that SIRC suggested that the physician improperly maintained possession of confidential medical records after leaving a practice, however there is insufficient proof that it was intentional. When the physician was questioned, he stated that he was unaware because he was using his personal laptop for part of his practice. Dr. Gillard stated that this was a complicated issue. The complaint was made by the former employer and there is current litigation. The physician stated that he didn't contact any patients. Dr. Moschonas commented that if this physician was given a work computer this could have been prevented; the physician was instructed to use his own computer.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Artz.

Ms. Bain spoke in favor of the motion as the SIRC report went back and forth on if he did Dr. Farmer agreed that the computer trail was confusing and there was no inappropriate use.

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

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

MOTION PASSED.

15. MD-23-0304A, CHRISTOPHER T. MALONEY, M.D., LIC. #30130

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

Dr. Figge agreed with the physician's submitted public statement letter. He's not querying the CSPMP when writing prescriptions given that he's a surgeon and there's a timeframe of 5 days. Dr. Figge noted that the physician has since changed his practice to query every time.

MOTION: Dr. Figge moved to dismiss.

SECOND: Dr. Gillard.

Dr. Gillard read the statute for the record but noted that the physician went over the five days multiple times. Dr. Gillard ultimately spoke in favor of the dismissal. Dr. Farmer commented that the law was crafted to address serious public health issues and opined that there is nothing in this case to indicate that this is a problem physician. Ms. Bain inquired if any of the queries were pulled prior to July 2023.

Ms. Shepherd explained that the Pharmacy Board provided information on a specific period of time, which he did not query, but did confirm that he started querying after July.

Ms. Rivera informed the Board that staff receives a pool of complaints from the Pharmacy Board monthly on physicians who are not compliant with the mandatory use requirement. The Board investigates the case, and the outcome depends on the circumstances of the case and whether practice changes were instituted or not. If there is no violation sustained, the case is closed and if the two statute listed in the SIRC report are found to be violated, the case goes to SIRC and then to the Board.

Dr. Gillard noted that per the CSPMP report, the physician prescribed for 7-8 days, but he has since changed his practice to always query. Dr. Farmer wants to ensure there are good procedures in place as these complaints may occur more frequently. Dr. Beyer opined that the physician did not have abusive intent, but an Advisory Letter is appropriate since he did have a violation. Dr. Artz opined that this puts a fine line on surgeons and doctors who do procedures. Dr. Artz agreed with the dismissal given the types of surgeries and the amounts the physician was prescribing. Dr. Figge noted that the five days can be a red herring depending on how the prescription is written and spoke in favor of dismissal. Dr. Figge noted you can prescribe more than five days, but you need to query and provide justification. Ms. Oswald stated that technically speaking this was a violation. Dr. Farmer opined that additional information needs to be provided to licensees and a conversation should be had with the Pharmacy Board.

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

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

MOTION PASSED.

16. MD-23-0065A, DAVID C. ZEMAN, M.D., LIC. #16972

Dr. Bethancourt recused from this case.

Dr. Gillard stated that the physician has learned that if you are going to prescribe for anything more than five days you have to query the database.

MOTION: Dr. Artz moved to dismiss.

SECOND: Dr. Figge.

Dr. Figge commented that the difference from the previous case and this case was that there were some past advisory letters for recordkeeping. Dr. Figge spoke in favor of dismissal. Dr. Farmer reiterated that there is an opportunity for education and given the substantial remediation, spoke in favor of dismissal. Dr. Figge noted that in a hospital setting you are automatically prompted to check, but in other practices, the physician needs to integrate the checks into the software. Dr. Beyer appreciated that the physician has since remediated it but the physician should have been doing it all along.

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

VOTE: 5-yay, 1-nay, 2-abstain, 1-recuse, 3-absent.
MOTION PASSED.

17. MD-22-0740C, BOBBY A. SHAH, M.D., LIC. #41793

P.G. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Advisory Letter for failing to diagnose metastatic lesions on an MRI of the brain. 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.

18. MD-21-0958A, GREGORY C. CARR, M.D., LIC. #46918

Dr. Carr addressed the Board during the Public Statements portion of the meeting. T.L. addressed the Board during the Public Statements portion of the meeting.

Dr. Bethancourt opined that it is not possible to get informed consent from someone who is demented with psychiatric issues.

MOTION: Dr. Bethancourt moved to dismiss.

SECOND: Dr. Beyer.

Dr. Beyer noted that there are issues with chaperones and on constitutes informed consent but there are certain things where a formal, written consent is standard and there are instances where it can be less formal. Dr. Beyer opined that the physician was doing what he thought was the right under the circumstances.

Dr. Deschamps noted that in this case, there was a power of attorney (POA) and that there was no documentation regarding consent.

Dr. Farmer stated that given the POA, consent was not obtained appropriately.

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

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

MOTION PASSED.

19. MD-22-1033A, DANIEL A. CHONG, M.D., LIC. #29727

RESOLUTION: Advisory Letter for failing to prescribe the correct dosage of levothyroxine and inadequate documentation. 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.

O. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Gillard moved to uphold the ED Dismissal in item numbers 1-7.

SECOND: Dr. Bethancourt.

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

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

1. MD-23-0035A, EDWARD M. EVANS, M.D., LIC. #54808

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

RESOLUTION: Dismissal upheld.

2. MD-23-0086A, ANDREW C. VILLA, M.D., LIC. #20127

Dr. Villa addressed the Board during the Public Statements portion of the meeting. N.M. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

3. MD-21-1078A, JENNIFER A. TREUSCH, M.D., LIC. #49974
L.W. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

4. MD-22-0982A, SHEETAL A. KALE, M.D., LIC. #37021

RESOLUTION: Dismissal upheld.

5. MD-23-0484A, GEORGE R. REISS, M.D., LIC. #16811
P.T. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

6. MD-22-0957A, MARK R. TASSET, M.D., LIC. #35146
N.A. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

7. MD-21-0664A, PARAMJIT SINGH, M.D., LIC. #56820
Mr. Hall addressed the Board during the Public Statements portion of the meeting on behalf of the physician. N.R. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

P. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Gillard moved to accept the Consent Agreement in item numbers 1-4.

SECOND: Dr. Bethancourt.

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

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

1. MD-21-0820A, MD-21-1041A, MD-22-0636A, HOWARD D. TOFF, M.D., LIC. #19314

RESOLUTION: Consent Agreement for Surrender of License.

2. MD-22-0710A, MARSHA E. BROOKS-CANDELA, M.D., LIC. #35633

RESOLUTION: Consent Agreement for a Letter of Reprimand.

3. MD-22-0759A, CHARLES E. RUNYAN, M.D., LIC. #52027

RESOLUTION: Consent Agreement for a Letter of Reprimand and Five-Year Probation, retroactive to January 11, 2023, with terms and conditions consistent with his Interim Order. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Runyan's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required.

4. MD-22-0193A, KATHERINE E. GROSS, M.D., LIC. #58013

RESOLUTION: Consent Agreement for a Letter of Reprimand and Five-Year Probation, retroactive to March 30, 2023, with terms and conditions consistent with her Interim Order. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Gross' request for termination shall be accompanied by a recommendation from her PHP Contractor stating that monitoring is no longer required.

Q. LICENSE APPLICATIONS

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

MOTION: Dr. Gillard moved to grant the license in item numbers 1 and 3-7.

SECOND: Dr. Artz.

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

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

1. MD-23-0116A, BRIGG W. BARSNESS, M.D., LIC. #N/A

RESOLUTION: License Granted.

2. THIS CASE HAS BEEN PULLED FROM THE AGENDA.

3. MD-23-0442A, CHARITY L. KATES, M.D., LIC. #N/A

RESOLUTION: License Granted.

4. MD-23-0172A, SANDFORD M. SCHOCKET, M.D., LIC. #N/A

RESOLUTION: License Granted.

5. MD-23-0362A, VIVEK GUPTA, M.D., LIC. #N/A

RESOLUTION: License Granted.

6. MD-23-0915A, TINOFA O. MUSKWE, M.D., LIC. #N/A

RESOLUTION: License Granted.

7. MD-23-0898A, BRIAN J. WIEGEL, M.D., LIC. #N/A

RESOLUTION: License Granted.

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

1. MD-23-0368A, GEORGEANN H. POLANSKY, M.D., LIC. #14579

MOTION: Dr. Gillard moved to grant the license reactivation.

SECOND: Dr. Bethancourt.

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

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

iii. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OR DENY LICENSE APPLICATION WITH PROPOSED CONSENT AGREEMENT (Disciplinary)

1. MD-23-0084A, PARVEZ M. FATTEH, M.D., LIC. #N/A

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

Dr. Gillard noted that this is based on action taken by the California Board.

MOTION: Dr. Gillard moved to grant the license and accept the consent agreement for Probationary License, requiring the physician to comply with the California Board Order. The physician may petition the Board to request that the probation be terminated and full licensure be granted after completion of the California Order. The request must be accompanied by proof of completion of the California Order.

SECOND: Dr. Artz.

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

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

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

MOTION: Dr. Gillard moved to grant licensure by endorsement 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. Artz, Ms. Bain, Dr. Bethancourt, Dr. Beyer, Dr. Figge, Dr. Moschonas, and Ms. Oswald. The following Board members were absent: Dr. Krahn, Ms. Dorrell and Ms. Jones.

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

1. DAVID K. AUSTIN, M.D., LIC. #N/A

RESOLUTION: License Granted.

2. KIMBERLY H. FERNANDEZ, M.D., LIC. #N/A

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

RESOLUTION: License Granted.

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

OTHER BUSINESS

R. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-18-0552A, SHEPHERD G. PRYOR, M.D., LIC. #33720

Dr. Gillard noted that the physician has been compliant and the PHP monitor is in favor of termination.

MOTION: Dr. Gillard moved to grant the request for termination of the August 6, 2019 Board Order.

SECOND: Dr. Bethancourt.

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

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

2. MD-21-0409A, XIHUA YANG, M.D., LIC. #54135

Dr. Gillard noted that the physician was compliance and the PHP monitor is in favor of the termination.

MOTION: Dr. Gillard moved to grant the request for termination of the February 2, 2023 Board Order.

SECOND: Dr. Artz.

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

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

3. MD-18-0779A, MD-18-1053A, CHARLES B. EVANS, M.D., LIC. #37616

Mr. Eaves addressed the Board during the Public Statements portion of the meeting on behalf of the physician. J.P. addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard inquired about the pending Order.

Ms. Rivera confirmed that the license has entered into the Decree of Censure and Probation and is being monitored under that Order and is therefore requesting termination of this order.

MOTION: Dr. Gillard moved to grant the request for termination of the October 9, 2019 Board Order.

SECOND: Dr. Bethancourt.

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

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

4. MD-17-0330A, EDWARD C. HUNG TENG, M.D., LIC. #47833

Dr. Teng and Mr. Bueler addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard noted that the physician has paid the fine and is compliant with PHP. Dr. Lott is in support of the termination as well.

MOTION: Dr. Gillard moved to grant the request for termination of the October 7, 2021 Board Order.

SECOND: Dr. Artz.

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

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

5. MD-15-0639A, MD-16-0783A, PATRICIA S. SULLIVAN, M.D., LIC. #40062

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

Dr. Gillard inquired if there was a memo regarding this matter as this case was regarding improper prescribing and was for a Decree of Censure and 10 year restriction from prescribing scheduled medications. Dr. Figge noted that the Order stipulated that the physician couldn't ask for termination until after five years and she has been compliant.

MOTION: Dr. Figge moved to grant the request for termination of the October 4, 2017 Board Order.

SECOND: Dr. Gillard.

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

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

6. MD-22-0686A, ALVARO J. TESTA, M.D., LIC. #40863

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

Dr. Gillard noted that an independent evaluator and the PHP monitor are in favor of termination as they are satisfied with the physician's rehabilitation.

MOTION: Dr. Gillard moved to grant the request for termination of the October 14, 2022 Board Order.

SECOND: Dr. Artz.

Dr. Figge noted that there are three psychiatrists in favor of termination.

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

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

S. GENERAL CALL TO THE PUBLIC

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

T. ADJOURNMENT

MOTION: Dr. Gillard moved for adjournment.

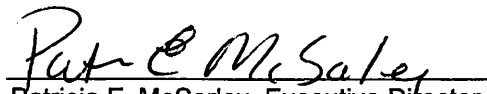
SECOND: Dr. Bethancourt.

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

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

The meeting adjourned at 9:11 p.m.




Patricia E. McSorley, Executive Director