



ARIZONA MEDICAL BOARD

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

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FINAL MINUTES FOR SUMMARY ACTION TELECONFERENCE MEETING

Held on Monday, December 18, 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 4:06 p.m.

B. ROLL CALL

The following Board members were present: Dr. Farmer, Dr. Krahn, Dr. Artz, Ms. Bain, Ms. Dorrell, Ms. Oswald, Ms. Jones, Dr. Artz, Dr. Gillard, Dr. Beyer

The following Board members were absent: Dr. Figge and Dr. Bethancourt

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.

LEGAL MATTERS

D. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUMMARY ACTION

1. MD-23-1186A, ANAND P. LALAJI, M.D., LIC. #57793
Dr. Lalaji participated virtually.

Board staff summarized that this case was initiated after the Board received a Disciplinary Alert from the Federation of State Medical Board (FSMB) indicating that the Commonwealth of Kentucky Board of Medical Licensure issued a Summary/Emergency Order of Suspension of Dr. Lalaji's license. On November 14, 2023, the Kentucky Board issued an Emergency Order of Suspension and outlined the following: On or about August 10, 2022, Mercy Health Lourdes Hospital served Dr. Lalaji with a notice of

precautionary suspension of his privileges to be in effect as of August 9, 2022. The precautionary suspension was based on eight radiological cases read by Dr. Lalaji between June 13, 2022, and August 6, 2022 that had incorrect or missed readings, including a recently missed brain tumor and perirectal abscess. November 29, 2022, Dr. Lalaji was suspended from reading any images from the Hospital based on a recent case. In January 2023, the MEC recommended terminating Dr. Lalaji's appointment and clinical privileges. Board staff reviewed the Kentucky Board's Emergency Suspension Order and noted that there were 10 cases their consultant determined that Dr. Lalaji failed to properly interpret 5 Brain MRI's. The consultant noted concerns due to the large number of erroneous interpretations within a short period of time. Kentucky Board determined that Dr. Lalaji's substandard of care or inadequate skill was an immediate threat to the public and sustained an Emergency Order of Suspension. Dr. Lalaji was given an opportunity to sign an Intern Consent Agreement (ICA) for Practice Restriction with the Arizona Medical Board pursuant to the Board's reciprocity statute outlined in the Report. On December 13, 2023, Dr. Lalaji refused to sign the Intern Consent Agreement citing he wanted to wait for his Emergency Scheduled hearing on January 4, 2024 in Kentucky. Therefore, this case is before the Board for consideration of summary action based on Dr. Lalaji's summary suspension in Kentucky and refusal to enter into the offered ICA for Practice restriction.

Dr. Lalaji informed the Board that he currently is the chief executive officer of TRG, which is a global teleradiology company based in Atlanta, Georgia. The company covers about 160 hospitals across the United States and about 75 hospitals in the UK and in India. Dr. Lalaji explained that the situation at Mercy Lourdes Hospital was relating to 8 cases and the main issue was a rapid and eckless integration setup for his company to read for that facility as TRG was a subcontractor. Four out of the eight cases were brain MRI scans where the neurologist disagreed with Dr. Lalaji's sub-acute infarction diagnosis, and he thought it was more chronic. The other four cases there was the technical issue where the prior examination had come over for interpretation without the current examination and so he interpreted the prior examination as the current examination, and therefore did not make the findings. Upon realizing that it was an old exam that was sent for interpretation, Dr. Lalaji stated that he quickly did addendums on those cases. Then the organization that subcontracted to TRG lost the contract to Mercy, and so he did not fight his privileges being removed. Dr. Lalaji explained that about a year and 2 months later he got this Board summary suspension from Kentucky. Dr. Lalaji stated that he is in the process of preparing for the January 4th hearing to show all of the technical issues that were happening about interpretation of the old cases and the support of his 4 MRI brain diagnosis. Dr. Lalaji noted that they only sampled the 10 cases that were in question and didn't sample the 7,000 other cases that he read without issue. Dr. Lalaji stated that he and his counsel in Kentucky are trying to get this suspension dismissed, and then move forward.

Dr. Gillard inquired if the reciprocity statute has been conveyed to the physician.

When asked to explain the statute, Ms. Smith clarified that the Board does have a statute that's applicable to this issue which is A.R.S. § 32-1451.02. The statute states that the Board shall order the summary suspension of a license pending proceedings for revocation or other action if a medical regulatory board in another jurisdiction of the United States has taken the same action because of its belief that the public health, safety, and welfare imperatively required emergency action. The action taken by the Kentucky Board includes a finding by the inquiry panel there, that there is probable cause to believe that this physician's practice constitutes a danger to the health, welfare, and safety of his patients, or the general public. Because that order meets the criteria under the statute, the Board is required to take action in this matter. The Board's process with regards to these types of cases includes offering licenses, as was offered in this case, an interim practice restriction in lieu of summary action by the Board. Ms. Smith explained that the value of having the interim consent agreement keeps the case at the investigative level and can be modified by Board staff if the summary suspension is lifted. When the Board takes summary action in a case such as this, the matter is also required by statute to be sent to the Office of Administrative Hearings for further proceedings and it terminates the Board's investigation. It essentially fixes the case at this point and the matter will then be transferred to the Attorney General's office for further proceedings at OAH.

During deliberation, Dr. Farmer inquired if the Board could reoffer the Interim Order and if not signed take summary action and refer the matter to OAH.

MOTION: Dr. Gillard moved to offer Dr. Lalaji an Interim Consent Agreement for Practice Restriction. If not signed by 5:00 p.m. tomorrow, summarily suspend Dr. Lalaji from practicing medicine in the State of Arizona pending the outcome of a Formal Hearing based on a finding that the public health, safety and welfare imperatively requires emergency action.

SECOND: Dr. Krahn.

Dr. Gillard stated that the Board is bound by statute when another state takes action. Dr. Gillard noted that the Board must take action pending the KY board's outcome. Dr. Farmer noted that the Board shall take action based on the KY action and re-offering the ICA will allow the licensee to discuss this with Board staff. Dr. Moschonas inquired how the Board proceeds if the KY board moves in favor of the physician.

Ms. Smith reiterated that staff offers the ICA for Practice Restriction so that it can be changed at the staff level as opposed to once the case is referred to OAH it terminates the investigation.

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

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

MOTION PASSED.

E. ADJOURNMENT

MOTION: Dr. Beyer moved for adjournment.

SECOND: Ms. Jones.

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

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

MOTION PASSED.

The meeting adjourned at 4:27 p.m.




Patricia E. McSorley, Executive Director