



Arizona Medical Board

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FINAL MINUTES FOR REGULAR SESSION MEETING

Held on Friday, December 8, 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 8:04 a.m.

B. ROLL CALL

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

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

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; Raquel Rivera, Investigations Manager and 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

- Updates on Board Processes for Licensure of International Medical School Graduates and the Emergence of New Pathways in Tennessee

This item was tabled for the January agenda.

- Board Member Education in 2024

This item was tabled for the January agenda.

E. CHAIR'S REPORT

- Acknowledgement and Appreciation for Deputy Director Kristina Jensen's Service to the Board and her Retirement from State Service After 25 Years

Dr. Farmer thanked and acknowledged Ms. Jensen for her service.

F. LEGAL ADVISOR'S REPORT

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

Ms. Campbell provided an update regarding the status. At this time briefing is complete and parties are waiting on the Judge's opinion.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

R. Screven Farmer, M.D., Chair

H. BOARD MEMBER TRAINING ON PRESCRIBING AND CSPMP REQUIREMENTS

This item was tabled for the January agenda.

I. APPROVAL OF MINUTES

- September 6, 2023 Special Meeting
This item was tabled for the January agenda.
- September 6, 2023 Special Teleconference Meeting; including Executive Session
This item was tabled for the January agenda.

LEGAL MATTERS

J. FORMAL LICENSING INTERVIEWS

1. MD-22-0990A, BABAK ABEDI, M.D., LIC. #N/A
Dr. Abedi was present without counsel.

Board staff summarized that this case is before the Board to consider Dr. Abedi's application for licensure including Dr. Abedi's disclosure of multiple actions by the Medical Board of California. Dr. Abedi also disclosed confidential medical conditions. Dr. Abedi disclosed action taken by the California (CA) Board, a DUI charge in 2011, and revocation in 2017. In 2014, he was ordered to complete CME and placed on probation with PHP monitoring. In 2017, Dr. Abedi was ordered to cease practice due to a positive result for controlled substances and thereafter, his license was revoked. Dr. Abedi re-applied for reinstatement in which he was required to undergo a competency assessment and was granted a license; which resulted in his current 5-year probation. Also, the Administrative Law Judge (ALJ) recommended reinstatement of the license in September 2022 with a stayed revocation and 5-year probation. In September 2022, the CA Board accepted and adopted the ALJ's proposed decision. SIRC recommended granting a probationary license consistent with the terms of the CA order. The physician may petition the Board to request that the probation be terminated, and full licensure be granted after completion of the CA order.

During questioning, Dr. Abedi stated that he is seeking an Arizona (AZ) license to be closer to family. Dr. Abedi noted that during his initial licensure with the Board he was not under probation. Dr. Abedi informed the Board of the terms of his current California Board Order and explained that he can still meet the testing requirements since they have labs in AZ. Dr. Abedi informed the Board of the initial DUI incident that led to the CA action and noted that the DUI charge was dismissed but he was convicted for exhibition of speed. Dr. Abedi stated that he has not used Ambien since this incident. Dr. Abedi explained his desired practice location would be at a dental practice and stated that it would not violate the terms of the CA Order's restriction of solo practice. Dr. Abedi noted that he has spoken to the CA Board staff.

During questioning, Dr. Farmer expressed concern regarding the terms of the California order and Dr. Abedi's disclosures regarding his planned Arizona practice and the potential that he could be the only anesthesiologist in a dental office.

Dr. Abedi informed the Board that he does have an MD practice monitor who reviews 10 percent of his cases and submits quarterly reports.

Dr. Beyer continued to express concern that in a dental office, Dr. Abedi would be the only physician in the building, and the potential that Dr. Abedi would be engaging in solo practice.

Dr. Abedi explained that he would be working with his brother who is a dentist, and that he has received training to administer dental anesthesia. Dr. Abedi stated that his practice monitor is only licensed in CA so it would need to be determined whether or not he should obtain another practice monitor in AZ. Dr. Abedi noted that as long as his CA probation is in place he is required to have a practice monitor in CA. Dr. Abedi informed the Board that he plans to practice full time in CA and part time in AZ.

In closing, Dr. Abedi stated that he understands that patient safety is the most important thing.

During deliberations, Dr. Krahn expressed concern when reviewing the materials and opined that a competency evaluation might have been required. Dr. Krahn opined that is no longer necessary after hearing from the physician. Dr. Krahn spoke in favor of granting a probationary license consistent with the CA Order with the addition of having an AZ licensed practice monitor.

MOTION: Dr. Krahn moved to offer the applicant a consent agreement for probationary license consistent with the terms of 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. Figge.

Dr. Artz expressed concern regarding the timeframe for probation as the physician has stated he will be requesting early termination of his CA order. Dr. Krahn clarified that motion for PHP participation is for 5 years. Dr. Beyer expressed concern that he is under an order that restricts solo practice and practicing in a dental office is mostly solo practice. Dr. Beyer further expressed concern regarding the percentage of cases reviewed by the practice monitor and suggested a higher amount of to have more supervision. Dr. Krahn agreed with increasing the percentage of monitoring. Ms. Jones expressed concern with the physician administering anesthesia in a dental practice, since it is solo practice. Dr. Farmer noted that this would be practice with a family member.

Ms. Jones expressed concern about the physician administering anesthesia in a dental office and opined that it is solo practice. Ms. Jones also noted that for each of the physician's positive test results he had a different explanation. Dr. Farmer also expressed concern regarding practicing with a family member.

Ms. Smith noted that even if the CA order is terminated, the physician would need to go through the Board's termination process prior to termination of the probationary license.

Board members discussed the terms of the probation to allow the physician to practice in the dental office while ensuring that he does not have the ability to be in solo practice.

Ms. Smith clarified the terms of the solo practice restriction in the CA Order.

Dr. Krahn withdrew her motion to allow the physician to provide additional information regarding the qualification of the proposed dentist that he would be practicing with for the Board's consideration prior to making a decision.

MOTION WITHDRAWN.

Dr. Figge commented that when a practitioner gets a medical license, it is not tracked by certification or practice scope. They are expected to practice per their specialty or training. Dr. Figge noted that the proposed dentist, even if not certified, may have training administering anesthesia. Dr. Figge further noted that there is a difference between a proctor and practice monitor. Dr. Gillard spoke in favor of the previous motion, with the addition that staff check with the dental board regarding the proposed dentist if he's permitted to administer anesthesia. Dr. Figge reiterated that this is private practice not a hospital, credentialing or certification is not required. Dr. Farmer commented that practicing in various settings is a humbling responsibility and the onus is on the individual as there are not the checks and balances that exist in a hospital setting. Dr. Farmer also noted the SIRC report cited the physician's non-compliance with the CA Order and that he is still under a CA order. Dr. Farmer stated that he is still hesitant and spoke in favor of obtaining additional information. Dr. Krahn agreed that tabling the case gives the applicant the opportunity to strengthen his application.

MOTION: Dr. Krahn moved to return the case for the applicant to provide a plan regarding his practice in a dental office.

SECOND: Dr. Gillard.

Dr. Beyer stated that he is not concerned about the physician's medical knowledge and opined that there is enough information here to create the terms of a probationary license. The Board would need to create the terms restricting solo practice. Dr. Farmer opined that the CA didn't contemplate that a family member would serve as the checks and balance. Dr. Figge opined that there may be more of an issue regarding him being a dentist and not a physician.

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

VOTE: 8-yay, 2-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

K. MOTION FOR REHEARING/REVIEW (FORMAL INTERVIEW)

1. MD-19-1001A, MD-20-0925A, RONALD A. YUNIS, M.D., LIC. #25201

Counsel Flynn Carey was present on behalf of the physician. DG, BG, EK addressed the Board during the Public Statements portion of the meeting.

Mr. Carey stated that at the end of the formal interview the board issued Probation to complete the CPEP CME. Mr. Carey informed the Board that between the formal interview and today's motion the physician has completed the CPEP program and has submitted the certificate to the Board. Mr. Carey stated that there was a criminal case where the physician made a choice to accept the plea and was convicted of a misdemeanor; therefore the violation of A.R.S. § 32-1401(27)(d) is not appropriate. Regarding the violation of A.R.S. § 32-1401(27)(r), Mr. Carey stated that it is meant to be used in the treatment setting when it affects the patient or procedure. Mr. Carey opined that this is not a vague statute and the use as a catch-all was not the intent of the legislature. Mr. Carey noted that the hospital did a peer review and they did not find patient harm. In one of the cases, Mr. Yunis preserved the patient's fertility against the hospital's policy. His decision was supported by a specialist who was treating the patient as well. Mr. Carey stated that the Board is not bound by the hospital's finding, that they can issue an Advisory Letter for not following hospital policy. Regarding the fetal monitoring finding, Mr. Carey stated it was not discussed in the formal interview but the finding was still included. Regarding the inversion case, Mr. Carey stated he provided information that this is happening in Europe and other states and provided information regarding respectable minority. Mr. Carey stated that this was a physician who made choices to protect his patients and it has been outlined in the motion why he made those choices. In closing, Mr. Carey stated that the violations do not rise to the level of

discipline and the physician has addressed the Board's concerns. Mr. Carey requested the Board reconsider discipline and issue an advisory letter.

During deliberations, Dr. Figge commented that the formal interview was well discussed, and all materials were considered even if not specifically discussed during the formal interview. Dr. Figge opined that there is not a compelling case for rehearing or review.

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

SECOND: Dr. Gillard.

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

SECOND: Ms. Jones.

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

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

MOTION PASSED.

The Board entered into Executive Session at 10:48 a.m.

The Board returned to Open Session at 11:23 a.m.

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

Dr. Farmer noted that during the Committee's deliberations, it was the sense of the Committee that the violations were significant enough that a disciplinary order for probation was warranted. Dr. Farmer opined that the conduct was significant enough that the discussion was significant enough it had merit and there is no new information to change this outcome. Dr. Farmer further commented that completion of the course has cured the behavior, the Board doesn't know that. Dr. Farmer stated that future conduct will determine that and at the time it was felt to be disciplinary. Regarding the issue of the diversion procedure being done, Dr. Farmer noted there was an opinion in the file that this was okay. On the other hand, the Committee discussed this in greater detail and reviewed the arguments and found that it was not the standard of care in Arizona. Dr. Farmer spoke in favor of the motion. Dr. Beyer stated that in order for rehearing there must be a compelling reason and he has not heard a reason articulated. Dr. Beyer acknowledged the physician has completed the CME, but that does not change that it happened subsequent to the formal interview and is not new evidence. Dr. Beyer stated that the committee did consider all view points and considered respectable minority when they reviewed this so there wasn't a rejection of evidence or that the committee didn't consider other penalties. Dr. Beyer opined that the penalty was not excessive given the facts and spoke in favor of rejecting the request as it does not meet the criteria.

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

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

MOTION PASSED.

L. REVIEW, DISCUSSION, AND POSSIBLE ACTION OF PROPOSED CONSENT AGREEMENT ARISING FROM SETTLEMENT CONFERENCE

1. MD-20-0289A, PARESH GOEL, M.D., LIC. #44344

Counsel Bob Milligan was present on behalf of the physician. AAG Diane DeDea was present as the Board's Independent Legal Advisor. AAG Elizabeth Campbell was present on behalf of the State.

Ms. DeDea informed the Board that there is a signed consent agreement for the Board's consideration.

Ms. Campbell, on behalf of the State, summarized that the Board considered the cases involving Dr. Goel at its November 1st meeting and voted to offer Dr. Goel a consent agreement for a one year suspension, decree of censure and probation. Ms. Campbell stated the physician has signed the consent agreement and requested that the Board accept the consent agreement.

Mr. Milligan stated that Dr. Goel supports the request to accept the consent agreement.

MOTION: Dr. Krahn moved to accept the proposed consent agreement for Decree of Censure and, Suspension and Probation. Respondent's license number 44344 is immediately Suspended for a period of no less than one (1) year. Within 30 days of the effective date of this Order, Respondent shall submit the name of a Practice Monitor for approval by Board staff. The Practice Monitor shall be responsible for ensuring that Respondent is abiding by the terms of the Suspension. Respondent agrees to allow the Practice Monitor to review Respondent's Practice e-prescribing and electronic medical record system, review patient records, audit Respondent's use of the telemedicine system, and access other records as deemed appropriate by the Practice Monitor to determine Respondent's compliance with the Suspension. After one year, Respondent may petition the Board in writing for termination of the Suspension. Respondent's request must be accompanied by a report from the Practice Monitor confirming that Respondent is in compliance with the terms of the Suspension, and a report from the PHP Monitor that Respondent has been compliant with the terms and conditions of his PHP Monitoring. Following the Board's termination of the Suspension, Respondent is placed on Probation for at least an additional period of four years for continued participation in the Board's PHP. Prior to the termination of Probation, Respondent must submit a written request to the Board for release from the terms of this Order.

SECOND: Dr. Gillard

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

VOTE: 9-yay, 0-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

CONSENT AGENDA

M. CASES RECOMMENDED FOR DISMISSAL

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

SECOND: Ms. Bain.

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

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

MOTION PASSED.

1. MD-22-1128A, BHAVIKA R. TRIVEDI, M.D., LIC. #56824

RESOLUTION: Dismissed.

2. MD-23-0374A, SHAILESH C. GARG, M.D., LIC. #52541

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

RESOLUTION: Dismissed.

3. MD-22-0757A, ALIF Y. SARAH, M.D., LIC. #26419

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

RESOLUTION: Dismissed.

N. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Gillard moved to issue an Advisory Letter in item numbers 1, 2, 4, 5, 6, 8, 9, 10, 12 and 13.

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, Dr. Figge, Ms. Jones and Ms. Oswald. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

1. MD-22-0983B, CLARE A. COLOMBO, M.D., LIC. #25810

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

RESOLUTION: Advisory Letter for failing to identify and report changes to a right breast lump and recommend a repeat biopsy. 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-23-0187A, VIKRAMJEET S. SAINI, M.D., LIC. #51508

RESOLUTION: Advisory Letter for improperly performing a transforaminal epidural injection causing a permanent spinal cord injury. 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-22-0973A, JOHN W. VANDERHOOF, M.D., LIC. #31892

Dr. Vanderhoof and counsel Cody Hall addressed the Board during the Public Statements portion of the meeting.

Dr. Artz noted that there were two different consultants and both had some concerns but stated that this was not a violation from the standard of care.

MOTION: Dr. Artz moved to dismiss.

SECOND: Dr. Figge.

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

VOTE: 9-yay, 0-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

4. MD-22-1109A, ALFRED P. WU, M.D., LIC. #17078

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

RESOLUTION: Advisory Letter for non-compliance with CSPMP mandatory use requirements. 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-23-0670A, ROBERT C. DEAL, M.D., LIC. #65856

RESOLUTION: Advisory Letter for action taken by the Tennessee Board. While the licensee has demonstrated substantial compliance through rehabilitation or

remediation that has mitigated the need for disciplinary action, the board believes that repetition of the activities that led to the investigation may result in further board action against the licensee.

6. MD-23-0192A, RYAN Y. TSUDA, M.D., LIC. #31679

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

7. MD-23-0070A, MANAV JASROTIA, M.D., LIC. #36067

Counsel Lauren Eiler addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

Dr Krahn noted that the physician did not review the blood culture results that showed a gram-positive cocci. The physician stated that he did not receive the results; however, this resulted in a liver abscess. Dr. Figge stated that there is a justified argument that if you order a test you should check the results. Dr. Figge noted that there may have been a system issue but it's a little unclear. Dr. Figge further noted that cultures take a couple of days and there are factors that are out of your control. This was medical malpractice case with other physician's involved a misread. Dr. Krahn opined that there should be an alert for results for review. Dr. Figge agreed that this should not be missed, but this may have been a system issue.

MOTION: Dr. Krahn moved to issue Advisory Letter for failing to evaluate a patient with persistent symptoms of underlying sepsis. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

SECOND: Dr. Beyer.

Dr. Beyer stated that there were clearly system issues that contributed to this situation but opined that the physician is still responsible, and an advisory letter is appropriate.

Ms. Rivera stated that if directed, Board staff will report this to DHS.

Dr. Figge requested that it be reported to DHS to ensure it is investigated. Dr. Farmer stated he and SIRC struggled with this given the severity of the outcome. Dr. Farmer remained concerned that SM texted the physician she was short of breath and did not get a reply. Dr. Figge noted that given the malpractice case the hospital should have addressed the system issues but this should be investigated by DHS.

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

VOTE: 9-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

8. MD-22-1141A, PEDRO J. ROQUE, M.D., LIC. #43906

Dr. Roque addressed the Board during the Public Statements portion of the meeting. P.W. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Advisory Letter for failing to diagnose a large pleural effusion on an x-ray and for misinterpretation of an ECG. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

9. MD-22-0419A, TRAVIS M. DUMONT, M.D., LIC. #47057

RESOLUTION: Advisory Letter for inappropriate supervision of a resident and disruptive verbal interactions with healthcare professionals in the workplace. 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.

10. MD-23-0155A, JEFFREY L. LIEBERMAN, M.D., LIC. #30758

RESOLUTION: Advisory Letter for failing to identify and report lumbar spine septic arthritis and an epidural abscess on an MRI of the lumbar spine. 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.

11. MD-23-0204A, JOHN F. KERRIGAN, M.D., LIC. #20254

Dr. Gillard noted that the physician has accepted the CSPMP requirements and have made the appropriate changes. Dr. Gillard found it mitigated that the physician is a pediatric neurologist and that the physician has mitigated the issue.

MOTION: Dr. Gillard moved to dismiss.

SECOND: Dr. Beyer.

Dr. Beyer commented that the CSPMP serves an important purpose to prevent opioid deaths but there are unintended consequences. The physician is now aware of the requirements and is fully compliant with the spirit and letter of law. Dr. Beyer opined that dismissal is appropriate.

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

VOTE: 9-yay, 1-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

12. MD-23-0663A, LOAY A. MUFTAH, M.D., LIC. #51820

RESOLUTION: Advisory Letter for action taken by the North Carolina Medical Board. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

13. MD-23-0567A, GENE H. LEE, M.D., LIC. #58285

RESOLUTION: Advisory Letter for action taken by the West Virginia Board of Medicine. 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-23-0521A, SAMER TAWAKKOL, M.D., LIC. #60330

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

Dr. Artz noted that is an orthopedic surgeon who has since changed his practice.

MOTION: Dr. Artz moved to dismiss.

SECOND: Ms. Dorrell.

Ms. Dorrell noted that it was an easy mistake to make; to miss the checkmark in the EMR system and now the whole clinic is aware and have made the correction. Dr. Farmer agreed that this has been mitigated and there is no public protection need here.

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, Dr. Figge, Ms. Jones and Ms. Oswald. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

15. MD-23-0182A, DAVID J. KAPLAN, M.D., LIC. #44477

Counsel Andrew Plattner addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

MOTION: Dr. Beyer moved to issue the Advisory Letter for inappropriate removal of a JP drain and for failing to document the rationale for removal. 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: 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, Dr. Figge, Ms. Jones and Ms. Oswald. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

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

MOTION: MS. Oswald moved to issue an Advisory Letter with Non-Disciplinary Continuing Medical Education Order in item numbers 1, 3, 5 and 6.

SECOND: Dr. Artz.

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, Dr. Figge, Ms. Jones and Ms. Oswald. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

1. MD-20-0883A, AARON C. MCKINNEY, M.D., LIC. #34287

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for failing to appropriately supervise a registered nurse, failing to maintain adequate and accurate medical records, and prescribing medications without a physician-patient relationship. 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 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding ethics. The CME hours shall be in addition to the hours required for license renewal.

2. MD-22-0996A, PEDRO P. ORTIZ, M.D., LIC. #44649

Dr. Figge opined that the issuance of an Advisory Letter and CME Order is appropriate but noted that the physician stated that he has completed the CME. Dr. Figge inquired if the certificate has been submitted to staff.

Board staff reported that it has not been received.

MOTION: Dr. Figge moved to issue an Advisory Letter and Order for Non-Disciplinary CME for failure to properly evaluate and manage diuretic and antiarrhythmic therapy in a high-risk cardiac 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 PACE's Medical Recordkeeping course; and complete Mayo Clinic's Cardiovascular Board Review course. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Ms. Bain.

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

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

MOTION PASSED.

3. MD-22-1051A, GIUSEPPE F. RAMUNNO, M.D., LIC. #44840

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

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for inadequate documentation. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

4. MD-23-0142A MARK CHOREBANIAN, M.D., LIC. #20398

Dr. Krahn noted that this case came as a referral from the Arizona State Board of Cosmetology who received an anonymous complaint that alleged that an aesthetician was illegally performing injections. Dr. Krahn expressed concern that the licensee didn't assist the investigation and the reason it landed as an advisory letter as opposed to something more significant was due to insufficient evidence regarding the schedule and where the physician was when these procedures were taking place. Dr. Krahn recognized that the Board needs sufficient evidence but expressed concern about the regulability of this physician.

Ms. Rivera clarified that the admin closure case was included as additional information for this case but is not what this case is about. Ms. Rivera noted that this case was based on a complaint that a patient was receiving injections from an MA and the physician was not present. This case was based on failure to provide the schedules and staff questioned the time stamp.

Dr. Krahn stated that this does not change her concern but adds clarity. Dr. Krahn further noted that the use of an ink stamp versus a signature is concerning as well. Ms. Dorrell expressed concern that they were using an MA as an injector instead of an RN who has been training in these procedures.

Ms. Smith informed the Board that there are a couple of rules regarding the MA's scope of practice; administering injections with direct supervision is within the scope of practice.

Dr. Beyer noted that in Medicare law, direct supervision means they are physically present.

MOTION: Dr. Figge moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate supervision of a medical assistant and failing to provide information to Board staff during the course of a Board investigation. 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 the National Laser Institute's On Demand Medical Director Course. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Krahn.

Dr. Figge opined that the physician is responsible for what happens in the office and he should be there. Dr. Krahn commented that the physician is responsible for providing information to the Board.

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, Dr. Figge, Ms. Jones and Ms. Oswald. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

5. MD-22-1102A, PALPU HAZEL, M.D., LIC. #11375

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for failure to comply with CSPMP mandatory use requirements and for inappropriate prescribing of controlled substances. 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 15 hours of Board staff pre-approved Category I CME in an intensive, in-person (virtual) course in prescribing controlled substances. The CME hours shall be in addition to the hours required for license renewal.

6. MD-23-0067A, SONIA S. GIKNAVORIAN, M.D., LIC. #29795

RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for failure to comply with CSPMP mandatory use requirements and for inappropriate controlled substance prescribing. 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 15 hours of Board staff pre-approved Category I CME in an intensive, in-person (virtual) course in prescribing controlled substances. The CME hours shall be in addition to the hours required for license renewal.

P. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Krahn moved to uphold the Executive Director's Dismissal in item numbers 3 and 4.

SECOND: Ms. Oswald.

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, Dr. Figge, Ms. Jones and Ms. Oswald. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

1. MD-22-0941A, CONRAD M. LAWRENCE, M.D., LIC. #48947

K.S. addressed the Board during the public statements portion of the meeting.

Dr. Gillard commented that there was a misdiagnosis, and the patient did suffer some harm. Dr. Gillard questioned if there was an adequate workup and referral. Dr. Beyer opined that there was a delay in referral that resulted in consequences. Dr. Beyer opined that an advisory letter might be more appropriate and this should go back to SIRC for review. Dr. Beyer stated that unless SIRC opines that another MC review is needed he is not going to mandate it.

MOTION: Dr. Beyer moved to return the case for SIRC to review.

SECOND: Dr. Gillard.

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

and Ms. Oswald. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

2. THIS CASE HAS BEEN PULLED FROM THE AGENDA.
3. MD-22-1031A, DANIEL I. SHAPIRO, M.D., LIC. #20700

RESOLUTION: Dismissal upheld.

4. MD-22-1019A, ASHRAF I. A. ELAMIN, M.D., LIC. #61684

RESOLUTION: Dismissal upheld.

5. MD-22-0907A, KRISTIN L. HANSON, M.D., LIC. #21926

W.H. and P.M. addressed the Board during the Public Statements portion of the meeting.

Ms. Bain inquired if the treatment was within the standard of care reasonability. Ms. Bain stated is this poor communication between the patient and physician or if this is based on public member's reading of the case. Dr. Gillard opined that everything was done appropriately despite the tragic outcome. The issue was the ischemic bowel and coagulopathy. Dr. Gillard also noted that there were various other comorbidities in this patient as well. Dr. Beyer commented that without an surgical intervention the ischemic bowel would have been fatal and the ischemic bowel is what led to the patient's demise. Dr. Beyer opined that there was no improper medical care by the physicians. Dr. Artz noted that the patient can be doing well and then take a very fast turn, opined there was no issue with the care. Dr. Krahn opined that there was no deviation but recognized that this was a difficult situation for the family.

MOTION: Ms. Bain moved to uphold the dismissal.

SECOND: Dr. Krahn.

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

VOTE: 9-yay, 0-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

Q. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Figge moved to accept the proposed consent agreement in item numbers 1-3.

SECOND: Dr. Artz.

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, Dr. Figge, Ms. Jones and Ms. Oswald. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

1. MD-23-0684A, DANIEL A. MACKAY, M.D., LIC. #54315

RESOLUTION: Consent Agreement for Letter of Reprimand.

2. MD-23-0396A, ALBERT F. OLIVIER, M.D., LIC. #9954

RESOLUTION: Consent Agreement for Letter of Reprimand.

3. MD-21-0118A, ROBERT A. MACKIN, M.D., LIC. #17570

RESOLUTION: Consent Agreement for Surrender of License.

R. PROPOSED CONSENT AGREEMENTS (Non-Disciplinary)

1. MD-22-0743A, JOSEPH J. STONE, M.D., LIC. #50602

MOTION: Dr. Gillard moved to accept the consent agreement for Practice Limitation. Physician's practice is limited in that he shall not practice medicine in the State of Arizona and is prohibited from prescribing any form of treatment including prescription medications until Physician applies to the Board and receives permission to do so.

SECOND: Dr. Krahn.

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

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

MOTION PASSED.

S. 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 1-5.

SECOND: Dr. Gillard.

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

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

MOTION PASSED.

1. MD-23-0541A, TIFFANY E. RUSSELL, M.D., LIC. #N/A

RESOLUTION: License granted.

2. MD-23-0582A, NAVYA CHUNDU, M.D., LIC. #N/A

RESOLUTION: License granted.

3. MD-23-0879A, MELISSA E. LARSEN, M.D., LIC. #N/A

RESOLUTION: License granted.

4. MD-23-0942A, ASHLEY A. ASSADI, M.D., LIC. #N/A

RESOLUTION: License granted.

5. MD-23-0228A, JEAN-CLAUDE LOISEAU, M.D., LIC. #N/A

RESOLUTION: License granted.

ii. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OR DENY LICENSE APPLICATION, OR TAKE OTHER ACTION WITH STAFF RECOMMENDATION

1. MD-23-0678A, KAREN A. WILLIAMS, M.D., LIC. #N/A

Dr. Farmer informed the Board that the applicant has withdrawn her license application.

iii. 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. Figge moved to grant licensure by endorsement in item numbers 1 and 2.

SECOND: Dr. Krahn.

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

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

MOTION PASSED.

1. SURINDERPAL S. KAHN M.D., LIC. #N/A

RESOLUTION: License granted.

2. DEBRA L. WEINSTEIN, M.D., LIC. #N/A

RESOLUTION: License granted.

iv. CONSIDERATION AND POSSIBLE ACTION TO APPROVE OR DENY LICENSE APPLICATION WITH DETERMINATION ON EQUIVALENCY

MOTION: Dr. Figge moved to grant the license in item numbers 1 and 2.

SECOND: Dr. Gillard.

Dr. Figge opined these two applicants have met the equivalency in training. Dr. Gillard noted that the Board have seen where the fellowships are not accredited by the counsel but they are at institution that are. Dr. Gillard further noted the letters of recommendation and agreed that this meets equivalency.

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, Dr. Figge, Ms. Jones and Ms. Oswald. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

1. IGOR KOZAK, M.D., LIC. #N/A

RESOLUTION: License granted.

2. FATIMA M. AL-KHAFAJI, M.D., LIC. #N/A

Dr. Al-Khafaji addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: License granted.

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

OTHER BUSINESS

T. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-21-0533A, BAGAMBHRINI G. THOMPSON, M.D., LIC. #61796

Dr. Gillard noted that Dr. Keen completed an evaluation and is in agreement with Dr. Lott that the physician has received the maximum benefit from the program.

MOTION: Dr. Gillard moved to grant the request to terminate the Board's September 16, 2021 Order.

SECOND: Dr. Figge.

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

VOTE: 9-yay, 0-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

2. MD-17-1099A, SCOTT M. BRANNAN, M.D., LIC. #45866

MOTION: Dr. Krahn moved to grant the request to terminate the Board's October 7, 2022 Order.

SECOND: Dr. Gillard.

Dr. Krahn noted that his monitor supports termination which is significant. Dr. Gillard commented that this was a complicated case and the experts have opined that the issues have been mitigated and support termination.

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, Dr. Figge, Ms. Jones and Ms. Oswald. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

U. CONSIDERATION OF REACTIVATION WITH RECOMMENDED DISCIPLINE OR REFERRAL TO FORMAL HEARING

1. MD-23-0612A, FLOYD E. TRINIDAD, M.D., LIC. #33162

Dr. Trinidad, Mr. Carey and R.G. addressed the Board during the Public Statements portion of the meeting.

Dr. Farmer expressed concern after reviewing the SIRC report if reactivation is appropriate. Dr. Krahn noted that the physician's counsel that the family medicine board that board certified family medicine physicians be allowed to prescribe to family members is in opposition to law and opined that the Board should not make a modification to address that point. Dr. Figge noted that according to statute you can prescribe family members you just cannot prescribe controlled substances.

Ms. Smith further clarified that the statute states you cannot prescribe controlled substances to yourself or family members.

Dr. Krahn opined that this case is coming to the Board too soon and that she would be more comfortable if this physician was restricted for a longer period of time and spoke in favor of a one year suspension. The Board's other option is per SIRC's recommendation. Dr. Krahn stated that she is uncomfortable with this physician being in independent practice and opined that denial is appropriate at this time.

Ms. Smith informed the Board that if the Board denies reactivation at this time, the matter would be referred to formal hearing for revocation or suspension of license.

Dr. Beyer opined that given the public comments and with a careful monitoring program in place this physician can return to practice. Dr. Beyer opined that he is unsure that the a one year suspension serves a purpose since the physician will be under the PHP monitoring. Dr. Beyer spoke in favor of license reactivation and PHP participation.

MOTION: Dr. Beyer moved to offer a consent agreement for License Reactivation and Decree of Censure with Five Year Probation to participate in PHP with terms consistent with the PHP Contractor's recommendations. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Trinidad's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer

required. If accepted by the licensee, allow the Executive Director to authorize the consent agreement.

SECOND: Dr. Gillard.

Dr. Figge agreed with the motion and opined that the one-year suspension is not needed as he will be under monitoring and there will be protective measures in place. Dr. Figge noted that Dr. Lott is in favor and opined he is safe to practice. Dr. Krahn stated that she respects Dr. Lott's position but expressed concern regarding the physician's extreme minimization and denial. Dr. Krahn further noted that the physician has moved quickly through the system and that if he relapses, he would lose his license. Dr. Krahn stated that she is against solo practice. Dr. Artz agreed with the motion and given the third strike language the physician knows if he violates the order it would be revocation. Dr. Gillard spoke in favor of the motion with no suspension and opined that a decree of censure and probation protects the public. Dr. Farmer found the AA members' comments helpful but opined that this is still very early with a turnaround without much track record. Dr. Farmer spoke in favor of group practice. Dr. Figge opined that not being in solo practice is acceptable but noted that none of the violations affected patient care. Dr. Gillard noted that with the PHP there will be samples and tests for alcohol use. Dr. Beyer opined that there is nothing here that states he doesn't know how to provide good medical care. The concern is if the physician loses his sobriety and the PHP is how we would monitor that not group practice.

Ms. Rivera informed the Board that the monitoring is contingent upon what the monitor opines is best for the participant and what their specific issues are. Ms. Rivera noted for standard PHP agreements they don't always require a proctor, it is contingent upon the case and can be built into the consent agreement.

Ms. Smith informed the Board that there are two options for what happens if the consent agreement is accepted. One option is to authorize the Executive Director to execute the order once the signed consent agreement is received or to have it come back to the board to accept.

Board members discussed if removing language from the proposed order is necessary regarding the Family Medicine Board's requirements so that the physician can succeed.

Ms. Smith noted the standard language in PHP agreements includes a prohibition regarding self-prescribing and in the past the Board has declined to make that change.

Dr. Farmer and Dr. Krahn spoke against changing the Board's standard language to meeting the family medicine board's requirement. Dr. Figge stated that the argument that can be made is that this is the Board's usual and standard language. Ms. Bain stated that this is a decision for the family medicine board to make based on our Board's discipline.

Ms. Smith confirmed that this Board has no jurisdiction over the ABMS.

Ms. Bain inquired if the Board has ever received a question from the ABMS in prior situation.

Ms. McSorley stated that she does not recall at this time and that she is not aware of all the requirements for the ABMS boards as they all have different requirements.

Ms. Smith confirmed that the physician can always request modification of their order unless specific terms are stipulated in the order for modification.

Dr. Krahn continued to express concern since as recent as May 15, 2023 he did not start the IOP in a timely fashion, was seeing patients and was unaccounted for and was the reason for the inactivation.

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

following Board members voted against the motion: Dr. Farmer and Dr. Krahn. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.
VOTE: 8-yay, 2-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

V. GENERAL CALL TO THE PUBLIC

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

W. ADJOURNMENT

MOTION: Dr. Krahn moved for adjournment.

SECOND: Ms. Jones.

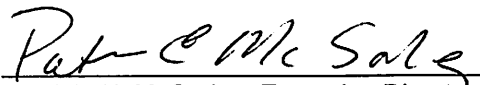
VOTE: The following Board members voted in favor of the motion: Dr. Farmer, Dr. Gillard, Dr. Krahn, Dr. Artz, Ms. Bain, Dr. Beyer, Ms. Dorrell, Dr. Figge, Ms. Jones and Ms. Oswald. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

The meeting adjourned at 12:41 p.m.




Patricia E. McSorley, Executive Director