



Arizona Medical Board

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

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DRAFT MINUTES FOR REGULAR SESSION MEETING **Held on Tuesday, February 6, 2024** **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

Chair Farmer called the meeting to order at: 8:07 a.m.

B. ROLL CALL

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

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

ALSO PRESENT

The following Board staff participated in the meeting: Patricia McSorley, Executive 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 meeting.

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

Individuals who addressed the Committee during the Public Statements portion of the meeting appear beneath the case.

D. EXECUTIVE DIRECTOR'S REPORT

- Update on the following proposed legislation, including but not limited to:
 - SB 1263 Anesthesiologist assistant; license
 - SB 1249 Psychologists; prescribing authority
 - SB 1406 International Medical Licensees; provisional license

Ms. McSorley provided a list of pending legislation for the Board's review that may impact the practice of medicine. Ms. McSorley noted that SB 1406 will be heard in Committee this afternoon.

Dr. Figge commented that this is a significantly changed bill. These international medical licenses would need a similar post graduate training license. They would have to be licensed by one of the approved countries and come here with a job in place. They would need a renewable yearly license and after four years can obtain a full medical license. Dr. Figge noted that these restrictions have not been included before.

Ms. McSorley noted that there have been more safeguards and amendments made since this.

Dr. Gillard noted that the Board already has the ability to determine equivalent training.

Ms. McSorley explained that this would be a broader statute and ties the international medical school graduate to a specific underserved area for a specific time. Ms. McSorley noted that in any event the Board will look at each applicant as an individual before granting the license.

- Update on the Governor's Proposed Budget for FY 25

Ms. McSorley reported that the Board submitted a decision package to hire four new investigators and the Board received half of the request to hire two new investigators. Ms. McSorley stated that she is hopeful the legislation will approve this budget. Ms. McSorley noted that there is a proposal to sweep 8.3 million dollars from the Board's reserve fund.

- Update on the Federation of State Medical Board Annual Meeting in Nashville, Tennessee, April 18-20

Ms. McSorley informed the Board that if members want to attend the meeting, there are three scholarships available.

Dr. Figge noted that there are to set of bills regarding psychologists prescribing. There are very detailed education requirements but the issue is these programs do not exist at this time.

E. CHAIR'S REPORT

Dr. Farmer commented on the smooth process for recent meetings.

F. LEGAL ADVISOR'S REPORT

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

Ms. Campbell reported that the parties are still waiting on a ruling from the Court.

- Update on *Yunis v. Arizona Medical Board*, LC2024-000030

Ms. Campbell reported that this is a new judicial review action and Respondent is appealing the totality of the Board's decision.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

R. Screven Farmer, M.D., Chair

H. BOARD MEMBER TRAINING ON PRESCRIBING AND CSPMP REQUIREMENTS

Board staff provided training on the prescribing and CSPMP requirements.

Dr. Farmer suggested providing education to licensees.

Board staff confirmed that the newsletter and FAQs will be restarted.

I. DISCUSSION AND POSSIBLE ACTION REGARDING ELECTION OF OFFICERS

Ms. McSorley informed the Board of the staff transitions that have taken place and will be taking place. Electing a new slate of officers is a Board process.

Dr. Farmer acknowledged the great job of Ms. McSorley's tenure as ED. Dr. Farmer commented that the committee structure provides an opportunity for distribution of responsibility and for others to gain experience and skills. Dr. Farmer opined that it is time to move Board members through the positions for officers.

MOTION: Dr. Krahn moved to nominate Dr. Figge for Chairman of the Board.

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. Bethancourt, Dr. Beyer, Ms. Dorrell, and Dr. Figge.

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

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

MOTION PASSED.

Board members agreed that the chair and vice-chair be physician members.

MOTION: Dr. Beyer moved to nominate Dr. Betancourt for Vice-Chairman of the Board.

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. Bethancourt, Dr. Beyer, Ms. Dorrell, and Dr. Figge.

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

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

MOTION PASSED.

MOTION: Ms. Bain moved to nominate Dr. Krahn for Secretary.

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. Bethancourt, Dr. Beyer, Ms. Dorrell, and Dr. Figge.

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

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

MOTION PASSED.

J. APPROVAL OF MINUTES

- November 1, 2023 Special Teleconference
- December 18, 2023 Summary Action
- December 8, 2023 Regular Session; including Executive Session

MOTION: Dr. Krahn moved to approve the November 1, 2023, Special Teleconference, December 18, 2023, Summary Action and the December 8, 2023, Regular Session; including Executive Session minutes.

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

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

MOTION PASSED.

LEGAL MATTERS

K. MOTION FOR REHEARING/REVIEW (Formal Interview)

1. MD-22-0427A, MITCHELL C. KAYE, M.D., LIC. #25021

Counsel Andrew Plattner was present on behalf of Dr. Kaye. Dr. Beyer recused from this case.

Mr. Plattner argued that there is sufficient grounds for rehearing as the findings were not justified by the evidence, the board did not take into account the evidence before them and did not meet its burden of proof to discipline the physician in the manner it did. Mr. Plattner opined that the Board made it clear that they did not appreciate the physician's attitude. However, the psychologist stated that he is obsessive and compulsive which the physician has admitted to. Mr. Plattner argued that the complainants' statements were inconsistent and false. Mr. Plattner stated that the Board had witness statements and peer reviews, which were not presented at the formal interview. Mr. Plattner argued that the physician demonstrated that without his intervention, the patient would have been injured by the complainant nurse. Mr. Plattner further argued that the potential harm that the Board found had no relation to the patient, but to the physician's conduct. Mr. Plattner requested a rehearing.

During deliberations, Dr. Figge noted that there are eight criteria to consider rehearing the case and opined that there is not a compelling argument for rehearing. Mr. Figge noted that a complainant is not required to appear for a formal interview. Dr. Figge opined that the Committee had a robust discussion, fully reviewed the evidence in the case and their findings were based on the evidence considered.

MOTION: Dr. Figge moved to deny the Petition for Rehearing.

SECOND: Dr. Bethancourt.

Dr. Gillard noted that there were a number of peer reviews over a ten-year period regarding the physician's behavior.

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

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

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

MOTION PASSED.

2. MD-22-0911A, PATRICK L. BOSARGE, M.D., LIC. #58004

Counsel Lisa Bivens was present on behalf of Dr. Bosarge.

Ms. Bivens argued that the Board's analysis is inconsistent with Arizona law and is not supported by the evidence but was a result of passion and prejudice. Ms. Bivens argued that the three unprofessional conduct findings were improper. Ms. Bivens first argued that the Board could not find a violation of A.R.S. § 32-1401(27)(r) without articulating a deviation from the standard of care. Ms. Bivens also argued that finding a violation of A.R.S. § 32-1401(27)(u) would put Dr. Bosarge on the OIG exclusion list and negatively impact his ability to practice medicine in a hospital setting. Ms. Bivens opined that the basis for this violation was not factually supported by the evidence. Ms. Bivens Ms. Bivens argued that the violation of A.R.S. § 32-1401(27)(jj) re could not be established due to the lack of direct supervision. Ms. Bivens argued that the Board improperly relied on evidence from the hospital's files. Ms. Bivens lastly argued that the Board's decision was the result of passion and prejudice. In closing, Ms. Bivens requested rehearing or review of the Board's decision.

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: Dr. Krahn.

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

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

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

MOTION PASSED.

The Board entered into Executive Session at 9:10 a.m.

The Board returned to Open Session at 9:53 a.m.

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

Dr. Beyer noted for the record that the Committee's decision was based on the volume of evidence provided for review, and the physician's own statements regarding the incidents in question. Dr. Beyer opined that the Committee decision was not prejudiced, and the Committee disagreed with the physician's actions as he described them. The decisions were reasonable and valid based on what the physician had done and then again one year later. Regarding supervision, Dr. Beyer acknowledged that the relationship between an attending physician and a resident is an important relationship that is well established, and known by every physician. It is a teaching setting in combination with so many other factors and does not boil down to just an HR issue. Regarding the A.R.S. § 32-1401(27)(u) violation, Dr. Beyer noted that the physician does not deny having made false statements, it's clearly in the record and the physician admitted to it. Dr. Beyer opined that the Committee ever thought of it as fraudulent, but clearly it was false. Dr. Beyer opined that the Committee was rightly distributed by the physician's actions and would rightly sustain the A.R.S. § 32-1401(27)(r) and (jj) violations. Dr. Beyer stated that while the Board can justify the A.R.S. § 32-1401(27)(u) violation, he is open to revising the order to omit paragraph three under the conclusions of law.

MOTION: Dr. Beyer moved to grant a review based on A.A.C. R4-16-103(d)(8).

SECOND: Dr. Bethancourt.

Dr. Artz noted that regarding the A.R.S. § 32-1401(27)(r) violation, the physician admitted to it and the Board can uphold this violation. Regarding A.R.S. § 32-1401(27)(u), Dr. Artz opined that the physician did make a false statement, and he admitted to it in the record. Dr. Artz stated that she respect that the physician has made changes the Board has not seen proof that this will affect his practice as nothing has been submitted. Regarding A.R.S. § 32-1401(27)(jj), Dr. Artz stated that there is a standard when supervising residents, the physician is providing collaboration and direction with the residents and subordinates that are working with you and under you. Dr. Krahn agreed that there was a false statement. Dr. Krahn appreciated that he did not persist with it and ultimately admitted to the first incident. Integrity is important, and the issue of fraud was not discussed, but the statute uses "false and fraudulent statements" language. Dr. Krahn further noted that it is important that a resident feels comfortable to go to and ask the attending questions, and if they cannot that poses a risk to the public. Dr. Gillard expressed concern that the residents were not interviewed and opined that the full board should rehear this case and therefore spoke against the motion. Ms. Bain stated that when someone clearly admits to doing something, it is not hearsay. It is fact that two residents had some interaction that was discussed in the record, so there is no issue regarding whether this needs to be reheard or not. Ms. Bain opined that there is a power issue going on as well.

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

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

MOTION PASSED.

Regarding sufficiency of the evidence, Dr. Farmer noted that the Board is relying on the physician's own testimony. Regarding the conduct versus the standard of care, Dr.

Farmer noted that conduct is not identified in *Webb*. The A.R.S. § 32-1401(27)(u) violation is due to the false statement. Dr. Farmer stated that A.R.S. § 32-1401(27)(jj) violation is important as there is a very close collaboration and supervision or direction between attending physicians and residents and medical students and to be involved in patient care, which is essential to learning. Dr. Bethancourt disagreed with the A.R.S. § 32-1401(27)(u) violation and how it connects with the practice of medicine. Dr. Gillard suggested that if the Board grants rehearing, it would give Board members time to hear the previous recording.

**MOTION: Dr. Gillard moved to table the discussion.
MOTION FAILED DUE TO NO SECOND.**

Dr. Figge opined that Board members have read the record and don't need to watch the video. Dr. Beyer opined that we don't need to rehear this case as there was an extensive transcript and it is clear what the facts are. Dr. Beyer commented that there hasn't been discussion regarding if there is the potential that the A.R.S. § 32-1401(27)(u) violation could have some implication on a physician's ability to practice.

**MOTION: Dr. Beyer moved to revise the order as follows: rescind conclusions of law paragraph 3, pertaining to A.R.S. § 32-1401(27)(u).
SECOND: Dr. Gillard.**

Dr. Artz opined that this is in connection with the practice of medicine as physicians are held to a different standard and this was a false statement. Dr. Beyer agreed that the statement is relevant to the practice of medicine because it is relevant to the education and supervision of the resident; however, Dr. Beyer spoke in favor given the unintended implications towards the physician's ability to practice. Dr. Farmer agreed that there was a false statement but found it mitigating that the physician has attempted to address some of these issues. Dr. Krahn opined that the Board must be careful about changing Board actions based on what could happen and something that is out of Board's control. Dr. Figge opined that there are mitigating circumstances and noted that once this came out during the HR investigation the physician did not lie during the Board's investigation. Dr. Figge noted that the physician has acknowledged and admitted to the action and has completed the CPEP course. Dr. Figge spoke in favor of the motion. Dr. Gillard agreed that there are mitigating factors and spoke in favor of the motion.

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

The following Board members voted against the motion: Krahn and Bain opposed.

The following Board members were absent: Jones, Moschonas and Oswald.

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

MOTION PASSED.

CONSENT AGENDA

L. CASES RECOMMENDED FOR DISMISSAL

MOTION: Dr. Gillard moved to dismiss 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. Bethancourt, Dr. Beyer, Ms. Dorrell, and Dr. Figge.

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

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

MOTION PASSED.

1. MD-22-1107A, MARCEL M. MALEK, M.D., LIC. #29577

RESOLUTION: Dismissed.

2. MD-23-0340A, PAUL H. LIU, M.D., LIC. #16172

RESOLUTION: Dismissed.

M. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Dr. Krahn moved to issue an Advisory Letter in item numbers 1-6.

SECOND: Dr. Bethancourt.

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

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

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

MOTION PASSED.

1. MD-23-1054A, BENJAMIN M. MUIR, M.D., LIC. #45412

RESOLUTION: Advisory Letter for action taken by the Nevada Board of Medical Examiners. 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-22-1095A, NACHIKET PATEL, M.D., LIC. #55723

D.M. addressed the Board during the Public Statements portion of the meeting. Flynn Carey, Esq. addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

RESOLUTION: Advisory Letter for failing to timely update contact information and for failing to timely comply with Board staff's requests for information. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

3. MD-22-1086A, WILFRIDO URUETA, M.D., LIC. #41933

RESOLUTION: Advisory Letter for failing to timely report a felony 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.

4. MD-23-0217A, GREGORY J. MARCHAND, M.D., LIC. #40957

RESOLUTION: Advisory Letter for failure to perform a vaginal exam on a pregnant patient with complaints of vaginal bleeding and for failing to refer the patient to a higher level of care. 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-23-0252A, HUSNU E. KAYNAK, M.D., LIC. #47038

RESOLUTION: Advisory Letter 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.

6. MD-23-0387A, JASON J. EMER, M.D., LIC. #56784

Counsel Paul Giancola addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Advisory Letter for failing to obtain and record vital signs prior to the procedure. 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.

N. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Beyer moved to uphold the Executive Director dismissals in item numbers 1-4.

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. Bethancourt, Dr. Beyer, Ms. Dorrell, and Dr. Figge.

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

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

MOTION PASSED.

1. MD-22-0875A, SPENCER MOORE, M.D., LIC. #R78055
Dr. Moore and counsel Steven Perlmutter addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

2. MD-23-0666A, RYAN R. STRATFORD, M.D., LIC. #33881
B.G.S. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

3. MD-22-0746A, TIMOTHY M. RANKIN, M.D., LIC. #61902

RESOLUTION: Dismissal upheld.

4. MD-23-0198A, DAVID H. ZACHEIS, M.D., LIC. #49389

RESOLUTION: Dismissal upheld.

O. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Figge moved to accept the consent agreement in item numbers 1-8.

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. Bethancourt, Dr. Beyer, Ms. Dorrell, and Dr. Figge.

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

VOTE: 9-yay, 0-nay, 0 (Ms. Bain abstained from #3 and #4)-abstain, 0 (Dr. Krahn recused from #2)-recuse, 3-absent.

MOTION PASSED.

1. MD-23-1106A, PADMAVATHY TUMMALA, M.D., LIC. #21393

RESOLUTION: Consent Agreement for Surrender of License.

2. MD-23-0278A, ROBERT S. FOWLER, M.D., LIC. #20406
Dr. Krahn recused from this case.

RESOLUTION: Consent Agreement for Probation and \$1,500 Civil Penalty. Dr. Fowler shall pay a Civil Penalty within ninety days via certified funds in the amount

of \$1,500. Within six months, complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course in ethics. The CME hours shall be in addition to the hours required for license renewal. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Fowler's request for termination shall be accompanied by proof of payment of the Civil Penalty and proof of successful completion of the CME.

3. MD-22-0959A, MARIA E. G. BERLARI, M.D., LIC. #41464

Counsel Megan Gailey addressed the Board during the Public Statements portion of the meeting on behalf of the physician. Ms. Bain abstained from this case.

RESOLUTION: Consent Agreement for a Letter of Reprimand and Two Year Probation to participate in PHP, retroactive to April 18, 2023, with terms and conditions consistent with her Interim Order.

4. MD-23-0237A, PARMINDER S. CHAHAL, M.D., LIC. #36053

Counsel Christine Whalin addressed the Board during the Public Statements portion of the meeting on behalf of the physician. Ms. Bain abstained from this case.

RESOLUTION: 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. Within thirty days of the Board order, Dr. Chahal shall enroll in PACE's Physician Enhancement Program (PEP) for a minimum of one year. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Chahal's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required.

5. MD-22-0306A, SOUMYA L. PANDALAI, M.D., LIC. #40375

RESOLUTION: Consent Agreement for a Letter of Reprimand and Five-Year PHP Probation, retroactive to November 8, 2022, 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. Pandalai's request for termination shall be accompanied by a recommendation from her PHP Contractor stating that monitoring is no longer required.

6. MD-23-0448A, ELIZABETH M. GOBBLE, M.D., LIC. #59009

RESOLUTION: Consent Agreement for a Letter of Reprimand and Five-Year Probation, retroactive to July 27, 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. Gobble's request for termination shall be accompanied by a recommendation from her PHP Contractor stating that monitoring is no longer required.

7. MD-22-0952A, UPHENDRA C. PATEL, M.D., LIC. #21143

RESOLUTION: Consent Agreement for a Letter of Reprimand and Two-Year Probation with Practice Restriction. Dr. Patel shall be prohibited from prescribing controlled substances until receiving permission from the Board to do so. 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, and complete no less than the 15 hour of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substance prescribing. The CME hours shall be in addition to the hours required for license renewal. Within

thirty days of completing the Board ordered CME, Dr. Patel shall enter into a contract with a Board approved monitoring company to perform periodic chart reviews, at the physician's expense. Once Dr. Patel has entered into the contract for chart reviews, he may petition the Board's Executive Director to request termination of the Practice Restriction. After two consecutive favorable chart reviews, Dr. Patel may petition the Board to terminate the Probation. Dr. Patel shall not request early termination of Probation without having completed the chart review process. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board.

8. MD-23-0573A, KRISTOPHER B. JOHNSON, M.D., LIC. #54195

RESOLUTION: Consent Agreement for License Reactivation with minimum Five-Years' Probation to participate in PHP.

P. 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 1-6.

SECOND: Dr. Figge.

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

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

MOTION PASSED.

1. MD-23-0850A, PETER GLOVICZKI, M.D., LIC. #N/A

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

RESOLUTION: License granted.

2. MD-23-0902A, FURHAN R. QURESHI, M.D., LIC. #N/A

RESOLUTION: License granted.

3. MD-23-0705A, RAZI HASAN, M.D., LIC. #N/A

RESOLUTION: License granted.

4. MD-24-0018A, MICHAEL A. SCHIRADO, M.D., LIC. #N/A

RESOLUTION: License granted.

5. MD-24-0089A, GITA A. VARAPRASATHAN, M.D., LIC. #N/A

RESOLUTION: License granted.

6. MD-24-0084A, HAROLD S. WALKER, M.D., LIC. #N/A

RESOLUTION: License granted.

ii. **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**

1. JERREL L. EMERY, M.D., LIC. #N/A

MOTION: Dr. Figge moved to grant licensure by endorsement.

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

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

MOTION PASSED.

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

1. GLENN A. LOOMIS, M.D., LIC. #N/A

MOTION: Dr. Figge moved to grant the waiver and grant the license.

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

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

MOTION PASSED.

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

1. EVERT-JAN M. H. SLINGENBERG, M.D., LIC. #N/A

MOTION: Dr. Gillard moved to grant the license.

SECOND: Dr. Krahn.

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

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

MOTION PASSED.

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

OTHER BUSINESS

Q. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-21-0877A, JOSE H. ALVAREZ, M.D., LIC. #21702

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

Dr. Gillard commented that there was some concern regarding cosmetic surgery but noted that the physician said he would not do that.

Ms. Smith explained that this is an order that is being enforced right now however, if the Board was to terminate it the restriction would be terminated as well.

Dr. Gillard stated that given the physician's statements he is comfortable with termination even though the physician has not elected to complete the fellowship.

MOTION: Dr. Gillard moved to grant the request for termination of the September 7, 2023 Board Order.

SECOND: Dr. Figge.

Dr. Artz spoke against the motion but stated that she would be in favor of a modification. Dr. Artz noted that the physician chose not to do the term due to the cost even though the Board is requesting it. Dr. Beyer commented that the physician is in a difficult position, if he doesn't intend to practice cosmetic work he can never terminate this based on how it is written. Dr. Beyer expressed concern that with a full license he can practice unrestricted however, if he doesn't complete the fellowship he cannot practice medicine at all.

Dr. Farmer inquired about staff level recommendations regarding the members' concerns.

Ms. Smith informed the Board that the language of the consent agreement does give the Board options to determine if the physician is safety to return to unrestricted practice, and that includes an examination or evaluation the Board can required it at this time.

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: Dr. Artz.

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

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

MOTION PASSED.

The Board entered into Executive Session at 10:27 a.m.

The Board returned to Open Session at 10:47 a.m.

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

MOTION WITHDRAWN.

MOTION: Dr. Gillard moved to table the request for termination and return the case for further investigation to perform a chart review of five patients.

SECOND: Dr. Beyer.

Dr. Krahn suggested at least 5 charts for review. Ms. Bain spoke in favor of more charts.

Board staff suggested five charts for review in a timely manner.

Dr. Gillard suggested that the review is of the physician's current obstetrics care.

Board staff explained that typically only one MC reviews all the charts in a chart review.

Dr. Farmer expressed concern given the physician's previous board history. Dr. Farmer additionally noted that the order has only been in effect for a short time. Dr. Farmer spoke in favor of an evaluation. Board members agreed that given the years that have passed since the last Board action a chart review is sufficient.

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

Board members voted against the motion: Dr. Farmer and Ms. Bain. The following Board members were absent: Ms. Jones, Dr. Moschonas, and Ms. Oswald.
VOTE: 7-yay, 2-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

2. MD-18-0966A, STEVEN M. RAYLE, M.D., LIC. #17733

Dr. Rayle addressed the Board during the Public Statements portion of the meeting. Dr. Gillard stated that he knows the physician but that it would not affect his ability to adjudicate this matter.

MOTION: Dr. Krahn moved to grant the request for termination of the February 10, 2020, Board Order.

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

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

MOTION PASSED.

3. MD-15-1189A, ABRAHAM J. SAYEGH, M.D., LIC. #18816

Dr. Gillard noted that Dr. Lott is in favor of termination and that this has been mitigated.

MOTION: Dr. Gillard moved to grant the request for termination of the February 5, 2019, Board 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, Dr. Bethancourt, Dr. Beyer, Ms. Dorrell, and Dr. Figge. The following Board members were absent: Ms. Jones, Dr. Moschonas, and Ms. Oswald.

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

MOTION PASSED.

4. MD-17-0247A, MD-19-0760A, BRETT D. GOETTSCH, M.D., LIC. #24235

Dr. Figge noted that two physicians spoke in favor of termination and the physician has been in compliance with seven years of sobriety.

MOTION: Dr. Figge moved to grant the request for termination of the July 15, 2020, Board Order.

SECOND: Dr. Gillard.

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

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

MOTION PASSED.

R. REQUEST FOR MODIFICATION OF BOARD ORDER

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

Dr. Trinidad and counsel Flynn Carey addressed the Board during the Public Statements portion of the meeting.

Dr. Farmer noted that Mr. Carey has proposed a modification.

Dr. Krahn expressed concern with this modification as the Board is charged with protecting the public and upholding the statutes. Dr. Krahn opined that Dr. Trinidad can

approach the American Board of Family Practice to make an exception. Dr. Beyer noted that the Board discussed at time of the original order that the physician could request modification. Dr. Beyer opined that the Board's intent can be accomplished with alternative language.

Ms. Smith clarified that the language provided by the physician's counsel would strike paragraph eight in its entirety and replace it as proposed by the respondent.

Dr. Figge read the proposed language for the record: "Within 24 hours of receiving any prescription or medication (if dispensed or provided directly to Respondent in the course of care), Respondent shall put the PHP Contractor on written notice of prescribing/filling of the prescription. "Medication" means a prescription-only drug, controlled substance, and over-the counter preparation, other than plain aspirin, plain ibuprofen, and plain acetaminophen. Respondent is to promptly review and remain in compliance with the American Medical Association's rules and opinions concerning prescribing practices and appropriate medical usage of medication by licensed medical professionals."

Ms. Smith informed the Board that the current language reflects the current process for the PHP which is a requirement for the physician to obtain written approval from the PHP prior to any prescribing controlled substances, and a prohibition on self-prescribing. The change would be to allow the prescribing to occur and then have notification to the PHP. The change that they are requesting reverses the current PHP process. Ms. Smith noted that it is not clear that this would resolve the issue with the American Board of Family Medicine.

Dr. Figge noted that here are a number of other safeguards in place and spoke in favor of replacing the paragraph with the proposed language. Ms. Bain expressed concern that the proposed change is very different and is much more material and complex than simply adjusting a self-prescribing issue. It's changing the parameters of the entire concept of monitoring use of medication well beyond addressing the issue of respondent not self-prescribing medication. Ms. Bain stated that the proposed changes materially change the nature of what this paragraph is supposed to do. Dr. Beyer questioned if the words "the physician shall not prescribe" were replaced with "within 24 hours the physician shall report any self-prescribed medication" resolves the issue in a clean fashion. Dr. Beyer opined that this does not prohibit the physician from doing anything, but puts the burden of reporting on the physician. Dr. Krahn expressed discomfort that this physician has a previous history of disciplinary actions and suggested not making changes. Dr. Krahn suggested Board staff should write a letter to American Family Board of Medicine expressing our concern regarding their policy. Dr. Bethancourt suggested removing "shall not self-prescribe any medication" and replace it with "he will abide by the laws of Arizona regarding self-prescribing medication." Dr. Beyer noted that his issue has not been with prescription medications and opined that the public safety is not enhanced by this physician not being able to prescribe an antibiotic to himself.

MOTION: Dr. Beyer moved to modify the Board's Order in MD-23-0612A to strike the sentence; "Respondent shall not self-prescribe any medication" from paragraph 8 of the Board's Order and replace with "Respondent shall report any self-prescribing of medication to the PHP monitor within 24 hours."

SECOND: Dr. Figge.

Dr. Krahn noted that this is not a matter of a person who solely used alcohol but there was a cross tolerance of drugs. Dr. Farmer noted that there is a pharmacological rationale for being concerned about self-prescribing broadly even outside of controlled substances. Dr. Farmer requested that Board staff send a letter to the American Family Board of Medicine regarding this issue.

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

The following Board member voted against the motion: Dr. Krahn. The following Board members were absent: Ms. Jones, Dr. Moschonas, and Ms. Oswald.
VOTE: 8-yay, 1-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

S. GENERAL CALL TO THE PUBLIC

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

T. ADJOURNMENT

MOTION: Dr. Krahn moved for adjournment.

SECOND: Dr. Figge.

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

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

MOTION PASSED.

The meeting adjourned at 12:23 p.m.



Patricia E. McSorley, Executive Director