



## Arizona Medical Board

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### FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Wednesday, March 6, 2024

1740 W. Adams St., Board Room A • Phoenix, Arizona

#### *Board Members*

Gary R. Figge, M.D., Chair  
Bruce A. Bethancourt, M.D., F.A.C.P., Vice-Chair  
Lois E. Krahn, M.D., Secretary  
Katie S. Artz, M.D., M.S.  
Jodi A. Bain, M.A., J.D., LL.M.  
David C. Beyer, M.D., F.A.C.R., F.A.S.T.R.O.  
R. Screven Farmer, M.D.  
James M. Gillard, M.D., M.S., F.A.C.E.P., F.A.A.E.M.  
Laura Dorrell, M.S.N., R.N.  
Pamela E. Jones  
Constantine Moschonas, M.D., F.A.A.N.  
Eileen M. Oswald

## GENERAL BUSINESS

### A. CALL TO ORDER

Chair Figge called the Committee's meeting to order at: 5:05 p.m.

### B. ROLL CALL

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

### ALSO PRESENT

The following Board staff participated in the virtual meeting: Patricia McSorley, Executive Director; Raquel Rivera, Interim Deputy Director; Claude Deschamps, M.D., Chief Medical Consultant; Nicole Samaradellis, Interim 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 appear beneath the case.

### D. EXECUTIVE DIRECTOR'S REPORT

- Review and Discussion Related to AMB's Response to Governor's Office Letter Dated February 15, 2024 RE: Health Professionals Disciplinary Actions

Ms. McSorley reported that all the health regulatory agencies received the same letter from the Governor's office. Ms. McSorley stated that she provided a comprehensive response regarding all the topics raised in the letter and a more formal response must be submitted by July. Ms. McSorley noted that one of the questions was regarding active conflicts of interest statements (COI) on file. Staff has created a policy and a COI

statement to satisfy this requirement. Ms. McSorley reported that another question was regarding how or when the Board reports what they believe is criminal conduct to law enforcement, Adult Protective Services, and/or Department of Child Safety. The Board does have a statute on how to address this issue. The statute does give direction that the Board must have evidence of a crime in order to refer it to law enforcement. The Board also has legal counsel to consult on when it is appropriate or not to report and during the SIRC process it can be determined if referrals to law enforcement or other agencies should be made.

Dr. Bethancourt inquired about the need for a COI policy when the Board already has a process for recusals.

Ms. McSorley clarified that included in her response there is a process and training provided regarding COI during new Board member training but this new process is a more formal process with a policy and COI statement submitted on an annual basis.

Dr. Bethancourt expressed concern regarding whether the Board's processes were understood.

Dr. Figge stated that issues were identified and the Board will comply and continue to be the standard for all boards.

Ms. McSorley agreed that there is always room for improvement and noted that Ms. Rivera has been in touch with a group called Rape, Abuse & Incest National Network (RAINN) to provide guidance as the Board must remain neutral throughout the investigation and gain enough information for the Board to make an informed decision.

Dr. Farmer noted that the Board is bound by law not to disclose parts of the investigation. This board takes balancing these issues and cases seriously and suggested using a newsletter that informs physicians of the Board's processes. Dr. Farmer agreed that there is an information vacuum where the Governor's office does not get regular communication regarding what the Board is doing and suggested a more regular form of communication.

Ms. McSorley reported that Ms. Rivera has been working on restarting the issuance of a Board newsletter.

Ms. Bain inquired for the name of the liaison at the Governor's office for healthcare regulation and if they were amenable to having these conversations about updates.

Ms. McSorley commented that the name of the liaison is Zida Didalf and she is the health policy advisor.

Ms. Bain suggested that the Board propose a date and time to regularly meet with the Governor's Office.

Dr. Bethancourt inquired about reporting to the police when the Board finds an issue if the complainant is comfortable with it.

Ms. McSorley explained that typically the complainant has already filed a report with the police and the police recommend that they file a complaint with the Board. The Board has an obligation to report to the police per statute. Ms. Rivera clarified that most cases referred to other organizations are not for sexual misconduct. The recommendation to refer to other organizations is during the SIRC process due to the appropriate Board staff attending SIRC meetings.

- Review, Discussion and Possible Action Related to Conflict-of-Interest Policy

Ms. McSorley reported that this is a more comprehensive form regarding COI.

Ms. Bain mentioned the COI is a two-part component, which the yearly COI form and the COI form that is provided at every Board meeting. Dr. Beyer opined that the COI form should be limited to organizations of direct conflict of interest within leadership roles and/or medicine.

Ms. McSorley agreed that the language can be more refined towards leadership roles and/or medicine.

- Update on introduced legislation, including but not limited to:

- SB1406 international medical licenses; provisional licensure

Ms. McSorley stated that SB1406 is now in the house and is regarding granting medical licenses to international medical school graduates.

- HB2686 health professional regulatory boards

Ms. McSorley reported that many of the items listed in the bill the agency already does. There is a push for health regulatory boards to complete an investigation within 180 days and gives the board three areas of action should the case run past 180 days. Complex cases can take longer than 180 days and can be delayed due to no fault in the investigation. Ms. McSorley noted that the process we follow now pretty much aligns with the statute. The complainant is allowed to elect confidentiality if they chose and then their identity is redacted. The physician is provided the file with the identity redacted and is provided the entire investigation file. The confidentiality of the complainant will remain confidential until a hearing where the name of the complainant is made public.

Dr. Figge expressed concerns about the confidentiality of the complainant possibly changing due to HB2686.

Ms. McSorley noted the Board cannot accept an anonymous complainant without identifying information. The bill gives latitude by allowing the Board to open a complaint if corroborating information is found. Staff will need to change processes to be in accordance with the statute.

- SB1510 certifying organizations, secretary of state.

Ms. McSorley noted that this bill may be seen again next session. This bill is regarding the creation of certifying organizations for issuing occupational licenses and shifts licensing from a governmental agency to a private organization.

Dr. Figge stated this is a problem since they can register as a certifying agency but they're not required to have an investigation, verification and licensing process like the Board does.

Ms. McSorley expressed concern that most of the Board's revenue comes from the renewal fees.

Ms. Bain commented that there are two competing components in the wording of the draft regarding if it would or would not erase the Board's involvement. Ms. Bain requested more information to see what the Kato Institute wants to accomplish.

- Review, Report and Possible Action Regarding Potential Amendments to SB1507 transitional training permittees; medical licensure.

Ms. McSorley mentioned that SB 1507 is attempting to take the transitional training permit and expand it to a pathway to licensure for those who could not match with a

residency. They can obtain a license after a period of 4 years in general medicine. Something similar has been done in other states but it is for an associate physician. Ms. McSorley reported that staff has written a letter for the Board to endorse to send to Senator Shamp, the sponsor of this bill, and opined that this bill has flaws. A formal residency has benchmarks and measurable results while on the job training does not.

Dr. Figge noted that there is no ACGME, no residency review committee, no training for the mentors and that they just found someone willing to train them. Dr. Figge opined that there are conflicts in the bill that are not in the best interest of patient safety and public health care. Dr. Bethancourt stated that although there is a need for more physicians in Arizona, but mentoring is not sufficient training. Dr. Krahn noted that residency programs require areas of study to be completed in a specific time frame. Dr. Krahn opined that without a full MD License how an individual may be unable to obtain malpractice insurance or become credentialed with insurance companies. Dr. Beyer agreed that this Board is of the opinion that this is a dangerous idea, that this bill cannot be tweaked and is fundamentally flawed. Dr. Moschonas opined that this statute completely goes against the mission to protect the public. Dr. Figge stated that Ms. McSorley has the Board's backing to express their concerns to Senator Shamp.

**MOTION: Dr. Krahn moved to approve the draft letter to Senator Shamp and allow the Executive Director to act in the Board's interests regarding SB1507.**

**SECOND: Dr. Farmer.**

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

**The following Board members were absent: Ms. Jones.**

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

## **E. CHAIR'S REPORT**

Dr. Figge reported that the annual FSMB meeting is in April and Dr. Farmer, Dr. Krahn, Ms. McSorley and some staff will be attending.

## **F. LEGAL ADVISOR'S REPORT**

- Update on *Silver v. Arizona Medical Board*, LC2023-000202

Ms. Campbell reported that she is waiting for the Superior Court to make a decision.

- Update and possible action including potential negotiated resolution on *Yunis v. Arizona Medical Board*, LC2024-000030

Ms. Campbell reported that Dr. Yunis did file a JRA and requested a trial de novo. Mr. Carey and she, on behalf of the Sate, met in order to resolve this matter. In view of Dr. Yunis' completion of the CME, Ms. Campbell requested that the Board resolve this matter upon Dr. Yunis agreement to dismiss the judicial review process and each party to bear its own attorney's fees with the condition that the Board issue an Advisory Letter to Dr. Yunis.

**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. Bethancourt.**

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

**VOTE: 11-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

The Board entered into Executive Session at 7:28 p.m.  
The Board returned to Open Session at 7:55 p.m.  
No legal action was taken by the Board during Executive Session.

**MOTION:** Dr. Beyer moved that, conditioned upon Dr. Yunis's agreement to dismiss the judicial review action in Yunis vs. Arizona Medical Board (Maricopa County Superior Court Case No. LC2024-00020), with each party to bear its own attorney's fees and costs, the Board will issue an Advisory Letter resolving its case numbers MD-19-1001A and MD-20-0925A for the following: A 2019 incident in the parking lot of an abortion clinic that resulted in a 2021 misdemeanor conviction for disorderly conduct with a weapon which has since been set aside by the court; St. Joseph's Hospital reports of disruptive communications between Dr. Yunis and hospital staff in 2018 and 2019; concerns about Dr. Yunis's practice at St. Joseph's Hospital in 2018 and 2019 including a Csection with focal uterine resection at 37.6 weeks (which was outside the St. Joseph's Hospital's accreta policy guidelines but which preserved the patient's fertility at her request), concerns about failing to obtain a group B strep culture and failing to treat chorioamnionitis with the hospital's recommended antibiotics, and concerns about monitoring and management of fetal heart rate during a patient's labor; and concerns that Dr. Yunis performed an in-office external cephalic version at 36-weeks' gestation in July 2020. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.

**SECOND:** Dr. Gillard.

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

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

**MOTION PASSED.**

## **G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES**

Dr. Farmer and Dr. Krahn applauded Dr. Figge for a job well done for his first meeting as chairman.

Board staff noted the Biannual Joint officers' requirement and that the first meeting will be scheduled before the next AMB meeting and the second meeting before the next PA meeting.

## **H. THIS ITEM HAS BEEN REMOVED FROM THE AGENDA.**

## **CONSENT AGENDA**

### **I. CASES RECOMMENDED FOR DISMISSAL**

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

**SECOND:** Dr. Artz.

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

**VOTE:** 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

**MOTION PASSED.**

1. MD-22-1106A. SUMIT DEWANJEE, M.D., LIC. #32018

**RESOLUTION:** Dismissed.

2. MD-22-0937A, DEBRA J. DAVIS, M.D., LIC. #53751

Council Robert Milligan addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION:** Dismissed.

3. MD-22-0941A, CONRAD M. LAWRENCE, M.D., LIC. #48947  
Council Matthew Cates addressed the Board during the Public Statements portion of the meeting.  
**RESOLUTION: Dismissed.**

## **J. CASES RECOMMENDED FOR ADVISORY LETTERS**

**MOTION:** Dr. Krahn moved to issue an Advisory Letter in item numbers 1-2 and 4-5.

**SECOND:** Dr. Moschonas.

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

**VOTE:** 12-yay, 0-nay, 0-abstain, 0 (Dr. Farmer recused from item #5)-recuse, 0-absent.

**MOTION PASSED.**

1. MD-23-0706A, DANIEL J. BALLARD, M.D., LIC. #34786

**RESOLUTION:** Advisory Letter for prescribing medications to an immediate family member without maintaining adequate records. 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-23-0394A, TERRENCE J. CAVANAUGH, M.D., LIC. #29952  
Council Callie Maxwell addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION:** Advisory Letter for failing to identify and report an unstable spinal fracture in a patient with ankylosing spondylitis. 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-23-1043A, COLIN F. COOR, M.D., LIC. #51442

Dr. Gillard opined that this was a system issue. The physician was an ER physician at the hospital and sometimes PAs are working independently and employed by the hospital.

**MOTION:** Dr. Gillard moved to dismiss.

**SECOND:** Dr. Moschonas.

Dr. Krahn agreed with the motion and noted that the physician acknowledged he had a shared responsibility. Dr. Beyer spoke in favor of the motion but noted that there is uncertainty regarding the PA's employment.

Board staff explained that at the time of the investigation the statute put the responsibility of the physician and the PA. With the new collaboration statute, the responsibility is on the facility or employer.

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

**VOTE:** 11-yay, 0-nay, 1-abstain, 0-recuse, 0-absent.

**MOTION PASSED.**

4. MD-23-1115A, FATIMA Y. HUSSEIN, M.D., LIC. #62369

**RESOLUTION:** Advisory Letter for action taken by the Mississippi Board of Medical Licensure. 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-23-0307A, ARNOLD GEE, M.D., LIC. #22295  
Dr. Farmer recused from this case.

**RESOLUTION: Advisory Letter for inadequate documentation related to consent for a procedure. 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-23-0413A, LUIS F. GONCALVES, M.D., LIC. #53311  
Dr. Luis Goncalves addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard mentioned that there is not a lot of detail on the ultrasound and opined that the abnormal ultrasound is very difficult in this case. Dr. Gillard opined that the physician has learned from this case. Dr. Bethancourt opined that the physician was acting in the best interest of the patient.

**MOTION: Dr. Gillard moved to dismiss.**

**SECOND: Dr. Bethancourt.**

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

**VOTE: 10-yay, 1-nay, 1-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

7. MD-23-0512A, MOREEN M. C. S. KOPPULA, M.D., LIC. #13454  
Council Mandy Karvis addressed the Board during the Public Statements portion of the meeting.

Dr. Artz noted that there were two attempts by two different physicians to get an I.V. and the patient was unhappy and left without the procedure. Dr. Artz explained that this happens sometimes and opined that this does not deserve an Advisory Letter given the documented attempts.

**MOTION: Dr. Artz moved to dismiss.**

**SECOND: Dr. Moschonas.**

Dr. Moschonas agreed that the I.V. is sometimes missed. Dr. Farmer agreed with the comments regarding missing the I.V. but noted that the issue was regarding laying hands on a patient without documentation. Ms. Oswald opined that the documentation was important in this case to let other providers know that the I.V. placement was difficult. Dr. Beyer stated that it is not clear that the standard of Care was breached because there was no documentation and is not convinced that the physician is at fault. Ms. Jones noted that undue stress was caused to the patient, as the patient was psychologically prepared and did not receive the procedure. Ms. Jones opined that the physician should have written the note herself.

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

**VOTE: 7-yay, 5-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

## **K. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION ORDERS**

**MOTION: Dr. Gillard moved to issue an Advisory Letter with Non-Disciplinary CME Order in item numbers 2 and 3.**

**SECOND: Dr. Bethancourt.**

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

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

1. MD-23-0285A, FAYZ Y. KHAN, M.D., LIC. #41841

Dr. Fayz Khan addressed the Board during the Public Statements portion of the meeting.

Dr. Beyer noted that in the SIRC report it discussed deficiencies in the management of this high-risk patient and opined it should be included in the CME.

**MOTION: Dr. Beyer moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate monitoring of high-risk patients and 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; and complete no less than 5 hours in the testing, management, and monitoring of patients with high-risk sexual behavior. The CME hours shall be in addition to the hours required for license renewal.**

**SECOND: Dr. Krahn.**

Board staff noted that the MC found the physician deviated from the standard of care by failing to monitor the patient for HIV.

Dr. Gillard noted that the physician agreed to take the CME during the public statements portion of the meeting. Dr. Gillard further noted that it is important to note the complaint was not fully supported.

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

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

2. MD-23-0627A, PAUL R. VALBUENA M.D., LIC. #41643

**RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for inadequate informed consent and 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; and complete no less than 5 hours of Board staff pre-approved Category I CME in hormonal replacement therapy. The CME hours shall be in addition to the hours required for license renewal.**

3. MD-23-0122A, MARIA R. BROWN, M.D., LIC. #58178

**RESOLUTION: Advisory Letter and Order for Non-Disciplinary CME for failing to convert from a laparoscopy to an open procedure in a high-risk patient for further exploration. 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 5 hours of Board staff pre-approved Category I CME in the management of laparoscopic complications. The CME hours shall be in addition to the hours required for license renewal.**

## **L. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS**

**MOTION:** Dr. Bethancourt moved to uphold the Executive Director Dismissal in item numbers 1-2 and 4-7.

**SECOND:** Dr. Moschonas

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

**VOTE:** 12-yay, 0-nay, 0-abstain, 0 (Ms. Jones recused from item #1)-recuse, 0-absent.

**MOTION PASSED.**

1. MD-22-0364A, JOHN E. WANEBO, M.D., LIC. #35308

Justin Niedzialek, Counsel for B. R. addressed the Board during the Public Statements portion of the meeting. James Frisbee addressed the Board during the Public Statements portion of the meeting on behalf of the physician. Ms. Jones recused from this case.

**RESOLUTION: Dismissal upheld.**

2. MD-22-0820A, AURA L. A. MOTUS, M.D., LIC. #5422

**RESOLUTION: Dismissal upheld.**

3. MD-22-1069A, JOSEPH DAVID, M.D., LIC. #26453

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

Dr. Beyer expressed concern that there was something that might have happened while G.R. was under anesthesia due to the photo the complainant submitted of a black eye.

Board staff noted that hospital staff was not interviewed and that the complainant commented that she had been rubbing her eye while wearing mascara.

Dr. Bethancourt noted that the physician had queried the staff to see if anything had happened while G.R. was under anesthesia and attempted to contact the patient as he was unaware of anything happening. Dr. Farmer opined that the photos of the eye do not look like any injuries he's seen for someone under anesthesia. Dr. Farmer noted that if a patient fell or bumped during the anesthesia process there is a lot of medical providers present who could make a comment. Dr. Farmer found it mitigating that the physician tried to contact the patient and was not responded to. Dr. Beyer stated that the patient is vulnerable while asleep. Dr. Figge commented that there was no documentation to show the staff was interviewed about an incident happening.

**MOTION:** Dr. Beyer moved to return for further investigation to interview staff present during procedure.

**SECOND:** Dr. Krahn.

Dr. Farmer mentioned other sources of information would be the operating physician and the nurse who was in the room who would have made notes. Dr. Farmer stated that it would be obvious if something adverse happened in the room. Dr. Gillard spoke against the motion as someone waking up from anesthesia could have rubbed their eyes or bumped their head on a guard rail and it wouldn't be the physician's fault.

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

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

**MOTION FAILED.**

**MOTION:** Dr. Gillard moved to uphold the Executive Director Dismissal.

**SECOND:** Dr. Bethancourt.

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

Moschonas, and Ms. Oswald. The following Board members voted against the motion: Ms. Bain, Dr. Beyer, and Dr. Krahn.

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

MOTION PASSED.

4. MD-22-0659A, GREGORY C. CARR, M.D., LIC. #46918

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

**RESOLUTION: Dismissal upheld.**

5. MD-22-0017B, NEVRA S. KING-LOGSDON, M.D., LIC. #44030

**RESOLUTION: Dismissal upheld.**

6. MD-23-0242A, CHERI D. DERSAM M.D., LIC. #31114

**RESOLUTION: Dismissal upheld.**

7. MD-23-0373B, ALEXANDER S. KIM, M.D., LIC. #35924

**RESOLUTION: Dismissal upheld.**

#### **M. PROPOSED CONSENT AGREEMENTS (Disciplinary)**

1. MD-23-0303A, MATTHEW J. HUMMEL, M.D., LIC. #27179

**MOTION:** Dr. Krahn moved to accept the Consent Agreement for a Letter of Reprimand and Two Year Probation with Practice Restriction. The physician shall be prohibited from prescribing controlled substances until receiving permission from the Board to do so. Respondent may prescribe controlled substances as follows: 1) Respondent may prescribe stimulant medication to current patients with diagnoses of ADD/ADHD; 2) Respondent may prescribe sleep medication to current patients; and 3) Respondent may prescribe testosterone and Lyrica to current patients. Respondent shall not initiate any new stimulant, sleep medication, testosterone, or Lyrica prescriptions for new or existing patients prior to completing the CME and enrolling in chart reviews as stated above. Respondent may prescribe controlled substances as needed when acting within the course and scope of his role as hospice facility medical director at the facilities where he is currently employed. 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. Hummel shall enter into a contract with a Board approved monitoring company to perform periodic chart reviews, at the physician's expense. Once Dr. Hummel 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. Hummel may petition the Board to terminate the Probation. Dr. Hummel 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.

**SECOND:** Dr. Farmer.

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

**VOTE:** 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

**MOTION PASSED.**

2. MD-22-0103A, STUART L. POSNER, M.D., LIC. #9295  
Dr. Beyer noted that the consent agreement calls for CME in medical record keeping but does not require CME for the prescribing of controlled substances, which was part of the SIRC recommendation. Dr. Gillard noted that the consent agreement includes a permanent restriction from prescribing controlled substances.

**MOTION:** Dr. Bethancourt moved to accept the Consent Agreement for Letter of Reprimand and Probation with Practice Restriction. Dr. Posner shall be prohibited from prescribing controlled substances in the State of Arizona. 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. This Order is permanent for the duration of Respondent's licensure and shall not terminate except upon cancellation, expiration, revocation, or surrender of Respondent's license.

**SECOND:** Dr. Gillard.

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

**VOTE:** 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

**MOTION PASSED.**

## **N. LICENSE APPLICATIONS**

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

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

**SECOND:** Dr. Moschonas

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

**VOTE:** 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

**MOTION PASSED.**

1. MD-24-0122A, KIZHAK C. KURIAN, M.D., LIC. #N/A

Dr. Kizhake Kurian addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION:** License granted.

2. MD-23-0897A, KRISTOPHER R. CRAWFORD, 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. LOURDES J. CHAHIN, M.D., LIC. #N/A

Dr. Gillard noted that the physician is not Board certified, but has remote training in psychology.

**MOTION:** Dr. Gillard moved to grant licensure by endorsement.

**SECOND:** Dr. Bethancourt.

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

**VOTE:** 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.

**MOTION PASSED.**

## OTHER BUSINESS

### O. APPEAL OF EXECUTIVE DIRECTOR ACTION

1. MD-22-1108A, SONIA S. GIKNAVORIAN, M.D., LIC. #29795

Dr. Gillard noted that the physician had elected to take the SPEX by her own decision and failed it. The Executive Director has ordered a new SPEX evaluation or a competency evaluation if failed again.

**MOTION: Dr. Gillard moved to deny the appeal.**

**SECOND: Dr. Krahn.**

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

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

### P. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-18-1010A, MARK I. FELDMAN, M.D., LIC. #5756

Dr. Figge and Dr. Gillard stated that they know the physician but does not affect their ability to adjudicate.

Dr. Gillard noted that the physician signed a consent agreement for a Letter of Reprimand and Probation with chart reviews. The physician has completed the CME and had two favorable chart reviews.

**MOTION: Dr. Gillard moved to grant the request to terminate the July 12, 2019 Board Order.**

**SECOND: Dr. Artz.**

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

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

2. MD-20-0494A, JILL R. UTLEY, M.D., LIC. #42779

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

**MOTION: Dr. Krahn moved to grant the request to terminate the January 8, 2021 Board Order.**

**SECOND: Dr. Gillard.**

Dr. Gillard noted that there is a length of time of no practice, but the physician has been recertified in internal medicine. Dr. Gillard opined that this shows proof that the physician is capable to continuing to practice.

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

**VOTE: 12-yay, 0-nay, 0-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

### Q. GENERAL CALL TO THE PUBLIC

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

### R. ADJOURNMENT

**MOTION: Dr. Gillard moved for adjournment.**

**SECOND: Dr. Moschonas.**

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

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

**MOTION PASSED.**

The meeting adjourned at 8:04 p.m.



  
Patricia E. McSorley, Executive Director