



Arizona Medical Board

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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held on Wednesday, May 1, 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., F.A.C.P.

GENERAL BUSINESS

A. CALL TO ORDER

Chairman Figge called the Board's meeting to order at 5:11 p.m.

B. ROLL CALL

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

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; 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 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

- Review and Discussion related to the Governor's Request for 2% Reduction in Operating Costs in FY25

Ms. McSorley informed the Board that we received a letter last week from the Governor's office instructing us that we need to look at our employee numbers and they advised that the Board's cap is 62 employees. Ms. McSorley noted that staff indicated that the Board had five individuals who are in the pipeline to be hired so they allowed the Board to continue with the hiring, and the cap is now 67. Ms. McSorley further noted that she has requested clarification regarding whether the legislature is going to approve the two investigators, then they will increase the cap again.

Ms. McSorley reported that the Board needs to be frugal going forward to reduce spending. Ms. McSorley explained that during a meeting, she informed the Governor's office that the Board is a 90/10 agency and that it does not take from the general fund and only contributes to the fund, but the Governor's office still wants the Board to comply.

Dr. Krahn thanked Ms. McSorley for advocating for the additional investigators given the new requirement to complete an investigation within 180 days.

Ms. McSorley informed the Board that legislation has not passed yet but that it would create an additional burden under these circumstances and would be difficult to meet.

- Review Discussion related to Governor's Mandate for Head Count Caps Starting April 27, 2024
- Update on Physician Health Program Committee Meeting held on April 24, 2024

Ms. McSorley informed the Board that the PHP Committee had a meeting where all stakeholders were present and to listen to any ideas that they may have regarding the way that the Board's has been conducting the PHP. Their focus was that PHPs should be separate from the Board and that participants are not known to the Board unless there is a violation of compliance. In order to do what they are suggesting it would take money to expand the number of contractors. Ms. McSorley reported that as of right now the contracts with the Board's current two providers has expired, but the providers will be continuing services with a memorandum of understanding. Ms. McSorley confirmed that in 2024 we are not making a change to the type of program that was suggested by the State Federation of PHP.

Ms. Bain further noted that what was suggested is not permitted by statute and cannot be implemented in Arizona at this time.

E. CHAIR'S REPORT

- Update on Federation of State Medical Boards Annual Meeting

Dr. Figge noted that the meeting was great and there were good discussions, presentations and information regarding various policies and guidelines. Dr. Figge commented that a lot of things that were discussed at the meeting are things that this Board already does.

F. LEGAL ADVISOR'S REPORT

- Update re: Case 2:21-cv-01417-DLR *Issacson et. al. v Mayes et. el.*

Ms. Smith provided an update on the case. The court requested additional briefings based on the *Hazelrigg* decision and whether or not that decision made any issue in this case moot. Ms. Smith noted that there was no brief filed on behalf of the Board or the Department of Health Services. The named parties in the case did submit briefing which can be provided to Board members upon request.

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

There was no discussion for this topic.

H. APPROVAL OF MINUTES

- January 31, 2024 Summary Action Meeting
- February 6, 2024 Regular Session Meeting; including Executive Session

Dr. Krahn noted that she was absent from the January 31, 2024 Summary Action Meeting. Ms. Jones noted that she was absent from the February 6, 2024 Regular Session Meeting.

MOTION: Dr. Gillard moved to approve the January 31, 2024 Summary Action Meeting and February 6, 2024 Regular Session Meeting; including Executive Session minutes.

SECOND: Dr. Beyer.

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

Jones. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.
VOTE: 9-yay, 0-nay, 0(Dr. Krahn abstained from the January minutes and Ms. Jones abstained from the February minutes)-abstain, 0-recuse, 2-absent.
MOTION PASSED.

LEGAL MATTERS

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

Possible action includes, but is not limited to, adopting Findings of Fact, Conclusions of Law and Order.

Pursuant to A.R.S. § 41- 1092.08(i), the Board may meet and confer for purposes of modifying the recommended decision, including the Findings Of Fact, Conclusions Of Law and Recommended Order set forth in the ALJ's recommended decision issued in case no. 23A-56541-MDX involving Dr. Mark C. Okafor.

1. MD-20-0380A, MARK C. OKAFOR, M.D., LIC. #56541

Dr. Okafor and counsel Sara Stark participated in the meeting virtually. AAG Elizabeth Campbell participated in the meeting virtually on behalf of the State. AAG Lynette Evans participated in the meeting virtually as the Board's Independent Legal Advisor.

Ms. Campbell summarized that the physician's care, documentation and hearing testimony demonstrated a flawed understanding of his obligations when providing medical care. There were three patients at issue and over the course of those two years, he wrote numerous prescriptions for them. Dr. Okafor did not have documentation for most of the prescriptions he wrote. Where he did sporadically maintain records, he testified that those records were maintained contemporaneously with his care. However, during the hearing it became apparent that those records could not have been made contemporaneously. Ms. Campbell stated that there are numerous errors in throughout the medical records which are documented in the ALJ's recommended decision. Ms. Campbell informed the Board that the State is requesting the Board accept the ALJ's recommended decision with some corrections which are largely typographical, as set out in the State's motion to accept the ALJ's decision and to impose a Decree of Censure and Two Year Probation with the assessment of the formal hearing costs. Ms. Campbell further stated that Dr. Okafor should be required to complete courses on recordkeeping and physical examinations.

Ms. Stark argued that there is no rule or statute in Arizona that sets forth what creates a physician-patient relationship. At the hearing, Ms. Stark stated that the State utilized the AMA code of ethics opinion to provide some guidance on how a physician -patient relationship is formed, however, the ALJ erroneously omitted the part of the opinion which talks about mutual consent generally being required by the physician and patient to form the relationship. The ALJ relied on the opinion to determine that Dr. Okafor had established a physician relationship with the women. Ms. Stark stated that it is a misapplication of the law to find that Dr. Okafor also violated A.R.S. § 32-1401(27)(tt), and requested that the relevant findings of fact related must be stricken from the opinion. Ms. Stark also requested that the A.R.S. § 32-1401(27)(kk) violation be removed as it is not supported by evidence, as well as the irrelevant and salacious findings related to Dr. Okafor's intimate and romantic relationship with these women. Ms. Stark noted that Dr. Okafor underwent a neuropsychological evaluation at the Board's request, and the evaluator only recommended an ethics and boundary course which Dr. Okafor has completed. Ms. Stark further noted that any disciplinary action the Board imposes remains on Dr. Okafor's national practitioner database profile permanently.

Dr. Okafor stated that these infractions occurred during his first year of residency and that he had significant others who were in need at a certain time. Dr. Okafor stated that he did

not realize the issue of medical records and that he had seen other physician prescribe to a loved one, friend or neighbor without necessarily writing up a medical records document. Dr. Okafor explained that he naively wrote notes in some cases and not others. Dr. Okafor stated that he now knows the importance of writing notes for every single case. Dr. Okafor stated that he will not prescribe to significant others. Dr. Okafor also stated that he did not write notes after the fact and that if he did it doesn't make sense to do it for some and not all. Dr. Okafor informed the Board that he has told the truth as best as he could recall it and requested that the Board not create a blemish for the rest of his career.

Ms. Campbell stated that the physician continues to blame the patients for his failure to comply with his obligations. Ms. Campbell stated that these are not gray areas, Dr. Okafor used his medical license to practice medicine to write those medications and he failed to comply with the obligations to maintain medical records and failed to conduct an appropriate physician-patient examination. Dr. Okafor stated that he did not falsify medical records, but the date was wrong that he documented for the injury, it was dated the day before the injury occurred. Ms. Campbell stated that there is too much here to ignore, and Dr. Okafor should be held responsible for the violations he committed.

MOTION: Dr. Farmer moved to adopt the ALJ's proposed Findings of Fact, with the requested amendments by the State.

SECOND: Ms. Jones.

Dr. Beyer noted that the changes were grammatical in nature and not substantive.

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

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

MOTION PASSED.

MOTION: Dr. Farmer moved to adopt the proposed Conclusions of Law as recommended by the State.

SECOND: Dr. Krahn.

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

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

MOTION PASSED.

MOTION: Dr. Farmer moved to adopt the ALJ recommended Order for Decree of Censure and Probation, which incorporates the amendment to the Order to include \$3460.95 (\$1,208.70 + \$2,252.25) for costs incurred by the Board and initiate the meet and confer process.

SECOND: Dr. Krahn.

Dr. Beyer commented that this is startling different from a physician writing his wife or friend a prescription and opined that it is clear that there were huge ethical and medical practice lapses. Dr. Beyer opined that this discipline is appropriate and acknowledged that discipline does carry consequences. Dr. Krahn stated that it is very clearly known that records and documentation must be accurate and that it is irrelevant that these instances are widespread. Dr. Krahn noted that when we get these cases the Board tries to be consistent and hold physician's accountable to the standard.

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

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

MOTION PASSED.

The Board initiated the Meet and Confer process, and requested arguments from counsel regarding the proposed changes to the draft order.

Ms. Campbell noted that the proposed Findings of Fact changes are typographical in nature and the changes to the Order is not substantive, but is a change in form to match the Board's form of orders and to include the costs of the hearing.

Ms. Stark had no argument at this time.

MOTION: Dr. Gillard moved for a final form of Order for a Decree of Censure and Probation.

SECOND: Ms. Jones.

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

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

MOTION PASSED.

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

1. MD-23-0260A, JOEL DWORKIN, M.D., LIC. #62704

Dr. Dworkin and counsel Melissa Cuddington participated in the meeting virtually. AAG Elizabeth Campbell participated in the meeting virtually on behalf of the State. AAG Lynette Evans participated in the meeting virtually as the Board's Independent Legal Advisor.

Ms. Cuddington explained that Dr. Dworkin originally obtained his license in 2022 and as a condition of licensure, the Board required him to enter into a confidential stipulated health agreement based on an existing monitoring agreement in Arkansas. Arkansas had implemented an agreement due to issues related to Dr. Dworkin maintaining professional boundaries in the workplace. The Board has set forth a complaint in this case regarding compliance issues with the Arkansas order and boundary issues. Ms. Cuddington noted that the compliance issues mainly have to do with Dr. Dworkin's employment at the VA in Arizona. There were some allegations that he was not appropriately submitting quarterly reports and did not have a worksite monitor. Ms. Cuddington stated that monitoring contracts were required to be handled by the credentialing office at the VA and opined that Dr. Dworkin was appropriately monitored when he was working there. Ms. Cuddington referred to a letter from Dr. Batizy, who served as Dr. Dworkin's monitor, which she argued demonstrated that he was monitored. When Dr. Batizy retired, there was a lapse in monitoring and Dr. Dworkin takes responsibility for any issues that occurred with this monitoring which he was compliant with. Ms. Cuddington opined that this is a situation where the punishment does not fit the crime and requested a revised stipulated health agreement or a probationary agreement with additional monitoring conditions. Ms. Stark argued that this does not rise to the level of revocation.

Dr. Dworkin stated that he made the mistake of not checking that the reports were submitted after he had made the request to Dr. Batizy. Dr. Dworkin stated that GRI did not find him in non-compliance. Dr. Dworkin explained that there was some miscommunication with Dr. Rad, who was set to serve as his employer. Dr. Dworkin stated that in March of 2023, prior to beginning employment, he personally handed him his SHA and he was directly corresponding with GRI regarding the monitoring requirement and the start of new employment. Dr. Dworkin noted that at the time he had not signed an employment agreement so he did not have all the details that the Board is requesting. Dr. Dworkin stated that moving forward, he will personally check that each and every report is sent and received by his compliance officer as he does not want this

to occur again. Dr. Dworkin informed the Board that none of the boundary issues that occurred at the VA had anything to do with patient care, but after speaking to his therapist he understands that he must maintain boundaries in the work place. Dr. Dworkin explained that if he is given another chance, he will not rely others to submit reports and will not make the same mistakes again. Dr. Dworkin confirmed that he is willing to comply with any and all requirements to allow him to return to caring for patients.

Ms. Campbell noted that she has provided a settlement conference response memo in this case for the Board's review. Ms. Campbell noted that the evaluation in this this matter was done in 2021 and found that Dr. Dworkin was safe to practice with monitoring. Dr. Dworkin entered into an agreement with Arkansas for monitoring and when he was licensed in here in 2022 it was with the condition that he remain compliant. Even if Dr. Batizy was an informal monitor, he did not submit the monthly reports for the first year and then quarterly for the second year. There were boundary issues taking place at the VA and these were not mentioned in any of the reports. The question in this case is can Dr. Dworkin be regulated. Ms. Campbell noted that Dr. Dworkin has great professional references but it must be taken into account with whether or not he is safe to the public and an evaluation that said he is safe to practice with monitoring. Dr. Dworkin didn't comply with the AMF or SHA. Ms. Campbell stated that at a minimum the State is requesting that this be a probationary agreement and not a confidential SHA.

Ms. Cuddington stated that Dr. Dworkin has accepted responsibility and opined that revocation is not appropriate. Ms. Cuddington requested that the Board issue something less than revocation, as there has been no evaluation that has deemed Dr. Dworkin a danger to the public.

Dr. Dworkin reiterated that when he started at the VA he was told he needed to obtain a monitor and he did to the best of his ability but he did not know it had to go through the production office. Dr. Dworkin stated that he made the error of not checking that Dr. Batizy was sending the reports as required.

MOTION: Ms. Jones 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. Farmer.

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

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

MOTION PASSED.

The Board entered into Executive Session at 6:48 p.m.

The Board returned to Open Session at 7:12 p.m.

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

Dr. Gillard noted that these allegations are egregious, and the Board has not heard a formal proposal and suggested that both parties present a proposed consent agreement.

MOTION: Dr. Gillard moved to table the case for the State and the Respondent and his attorney to craft a settlement offer to include discipline, probation, and PHP Monitoring. Additionally, a request should be made for a continuance of the scheduled formal hearing.

SECOND: Ms. Bain.

Dr. Figge inquired if this matter was scheduled to be heard today for the Board to consider a settlement offer.

Ms. Evans confirmed that this matter was scheduled for consideration of a settlement offer.

Dr. Krahn opined that this matter should continue to the formal hearing and not be settled, given the nature of the repeated and egregious behaviors. Dr. Krahn noted that there is an evaluation in the record that can support the hearing. Ms. Jones inquired about how frequently the Board would obtain reports if there is monitoring given the concern of the physician's regulability.

Ms. Evans informed the Board that it has discretion regarding the frequency of the reports.

Dr. Farmer spoke against the motion and as there is a long pattern in this case and some cases are more suited to the more detailed hearing format. Dr. Figge noted that there is not a defined proposal for the Board to consider and the State raised a concern about the physician's regulability. Dr. Figge spoke in favor of a formal hearing. Dr. Krahn noted that the Board heard the physician state that he was monitored and yet there were boundary issues that led to him being fired from a position in Arizona. Dr. Gillard noted that the reason for his motion was due to not having a clear and concise presentation or recommendation from the physician that the Board could decide on.

MOTION WITHDRAWN.

MOTION: Dr. Krahn moved to reject the request for a settlement offer and to continue to formal hearing.

SECOND: Dr. Farmer

Dr. Beyer agreed that if this goes to formal hearing there will be a full hearing with a transcript and a recommendation for the board to consider. Dr. Gillard agreed with having a full evidentiary hearing and noted that it will still come back to the Board to accept, reject or modify the ALJ's decision.

Ms. Evans informed the Board that due to a statutory change if the licensee accepts the ALJ's recommended decision within 10 days that it will become the final action and the Board does not have an opportunity to modify it.

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

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

MOTION PASSED.

CONSENT AGENDA

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Ms. Bain moved to issue an Advisory Letter in item numbers 3, 4, 6 and 8.

SECOND: Dr. Farmer.

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

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

MOTION PASSED.

1. MD-23-1275A, SATINDER SINGH, M.D., LIC. #53858

Dr. Singh and counsel Elizabeth Petersen addressed the Board during the Public Statements portion of the meeting.

Dr. Farmer questioned the timeline and that the notice did not even go out to the doctor until he was already behind the timeline. Dr. Farmer opined that issuing an advisory letter would not protect the public. Dr. Farmer stated that the physician was not at fault and has taken efforts to ensure that this does not happen again.

MOTION: Dr. Farmer moved to dismiss.

SECOND: Dr. Gillard.

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

**VOTE: 9-yay, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.**

2. MD-23-0995A, WILLIAM K. SUMMERS, M.D., LIC. #50927

Ms. Jones summarized that the physician was issued a Letter of Reprimand and fine from the New Mexico Medical Board for failing to wear a mask on a single incident. The physician stated that he did wear a mask but he pulled it down to talk to the patient. Ms. Jones noted that the physician has already paid the fine and that this should be dismissed.

MOTION: Ms. Jones moved to dismiss.

SECOND: Dr. Gillard.

Dr. Beyer spoke against the motion. Dr. Beyer agreed that if the Board was asked to adjudicate the event it may have dismissed this matter however, this is regarding action taken by another state and it deserves to be in our record.

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

**VOTE: 6-yay, 3-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.**

3. MD-23-0453A, BRADLEY J. FOLKSTAD, M.D., LIC. #19824

RESOLUTION: Advisory Letter for failing to obtain adequate informed consent for a laparoscopic removal of an ectopic pregnancy and 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.

4. MD-24-0031A, CHIHUANG E. YEE, M.D., LIC. #31110

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.

5. MD-23-0958A, RAMA VASIREDDY, M.D., LIC. #28052

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

Dr. Beyer commented that this was a physician who knew she was supposed to use the CSPMP and had been using it but had some technical issues. Dr. Beyer opined that the advisory letter is not required and that the physician will use the CSPMP in the future.

MOTION: Dr. Beyer moved to dismiss.

SECOND: Dr. Krahn.

Dr. Krahn stated that this physician was making an effort and had a lapse. The physician noted that she was transferred a lot of patients at one time. Dr. Krahn stated that physicians must be careful but opined that this physician will not have another lapse. Dr. Gillard commented that there were three charts pulled during the investigation and there was no big problem. Dr. Gillard found it concerning that there were a 115 benzodiazepine prescriptions written and the CSPMP was not checked.

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

following Board member abstained: Ms. Jones. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.
VOTE: 8-yay, 0-nay, 1-abstain, 0-recuse, 2-absent.
MOTION PASSED.

6. MD-23-0712A, LAUREN N. BYRNE, M.D., LIC. #46495
Counsel Frederick Cummings addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

RESOLUTION: Advisory Letter for failure to properly perform a sling placement. for failure to properly perform a sling placement. 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-23-0679A, JAMES A. DEES, M.D., LIC. #67257
E.D. addressed the Board during the Public Statements portion of the meeting.

Dr. Krahn noted that 14 attempts were made to establish an epidural over an extended period of time and expressed concern regarding the physician's competence in providing a service that is required for anesthesiology. Dr. Farmer noted that all anesthesiologists have blocks that are more difficult than others but 14 is a big number. Dr. Farmer stated the issue is whether a stronger penalty should be imposed or whether CME is warranted. Dr. Farmer found it mitigating that the physician underwent some proctoring with his anesthesiology group who found him competent. Dr. Beyer agreed that this was a case of anesthesia gone wrong but the physician did acknowledge that and did obtain the proctoring he needed to be better in his craft. Dr. Beyer opined an advisory letter is appropriate in this case. Ms. Jones found it concerning that the physician did not get the consent form signed prior to the procedure, but instead after the procedure was completed. Ms. Jones stated that she agreed with the issuance of an Advisory Letter. Dr. Gillard agreed that sometimes lumbar punctures can be difficult due to body habitus, and spoke against additional CME. Dr. Farmer commented that it is appropriate to have the consent signed before proceeding; however, it is more understandable in a labor and delivery unit as there may be multiple patients in need of the consent at the same time. The physician should have made a note of the situation in his records. Dr. Krahn opined that in the future, the physician should ask a senior physician for assistance early in the process if attempts are unsuccessful. Ms. Jones acknowledged that the patient had a very scary experience for a procedure that should have taken 15 minutes, but took over an hour.

MOTION: Ms. Jones moved to issue an Advisory Letter for failing to properly perform an epidural placement with an excessive amount of attempts, failing to obtain consent prior to a procedure, and failing to document an adequate history and physical. 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. Krahn, Dr. Artz, Ms. Bain, Dr. Beyer, Dr. Farmer, Dr. Gillard, Ms. Dorrell and Ms. Jones. The following Board members were absent: Dr. Bethancourt and Dr. Moschonas.

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

MOTION PASSED.

8. MD-24-0134A, NADEEM M. HUSAIN, M.D., LIC. #42751

RESOLUTION: Advisory Letter for practicing on an expired license. 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.

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

1. MD-23-0226A, DEEPA D. AGARWAL, M.D., LIC. #20387

MOTION: Dr. Krahn moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inappropriate prescribing of antibiotics, failing to evaluate the patient's systolic heart murmur, and 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 (virtual) course regarding medical recordkeeping; and complete no less than 5 hours of Board staff pre-approved Category I CME in the appropriate reporting of communicable diseases. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Ms. Dorrell.

Dr. Beyer spoke against the CME and opined that the Advisory Letter is enough. Dr. Beyer stated that prescribing antibiotics for a viral infection was not a high concern. Dr. Beyer noted that the confusion about the pertussis report was ultimately corrected and when a report is filed in an electronic record sometimes physicians don't check the date as rigorously as they should. Dr. Beyer further opined that there was not a HIPPA violation. Dr. Gillard agreed and opined that CME would not be helpful. Dr. Krahn noted that this physician prescribed antibiotics twice and takes it pass a one-time episode of a virus. Dr. Krahn further noted that the mother called the CDC looking for guidance and the CDC investigated and found that the physician did not report to the CDC a possible case of whooping cough. Dr. Krahn opined that there were a number of different issues concerning the medical management in this case. Dr. Farmer agreed that reporting was important and education is appropriate. Dr. Figge commented that the given the two prescriptions the argument for covering pertussis is not appropriate.

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

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

MOTION PASSED.

M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Beyer moved to uphold the Executive Director Dismissal in items 1 and 2.

SECOND: Dr. Artz.

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

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

MOTION PASSED.

1. MD-22-1010A, KEVIN S. DOYLE, M.D., LIC. #24495
K.K. addressed the Board during the Public Statements portion of the meeting.

RESOLUTION: Dismissal upheld.

2. MD-23-1017A, RUCHIR GUPTA, M.D., LIC. #60282
Counsel Flynn Carey addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

RESOLUTION: Dismissal upheld.

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. Krahn.

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

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

MOTION PASSED.

1. MD-23-1011A, DAVID A. RICHARDSON, M.D., LIC. #N/A

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

RESOLUTION: License granted.

2. MD-24-0275A, DANA P. DAMRON, M.D., LIC. #N/A

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

RESOLUTION: License granted.

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

1. JENNIFER B. JOHNSON, M.D., LIC. #N/A

Dr. Gillard noted that there are 16 state licenses with no actions, and it is fairly common that someone works for a locum tenens company that folds.

MOTION: Dr. Gillard moved to grant the waiver request and grant the license.

SECOND: Dr. Krahn.

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

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

MOTION PASSED.

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

OTHER BUSINESS

O. REQUEST FOR TERMINATION OF BOARD ORDER

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

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

SECOND: Dr. Gillard.

Dr. Gillard noted that if a complaint is received that the physician informing the Board that the physician has continued the conduct from this case the Board can take further action.

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

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

MOTION PASSED.

P. GENERAL CALL TO THE PUBLIC

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

Q. ADJOURNMENT

MOTION: Dr. Krahn moved to adjourn.

SECOND: Ms. Jones.

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

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

MOTION PASSED.

The meeting adjourned at 7:44 p.m.



Patricia E. McSorley
Patricia E. McSorley, Executive Director