



## Arizona Medical Board

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

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### FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING Held on Wednesday, September 4, 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.  
Laura Dorrell, M.S.N., R.N.  
R. Screven Farmer, M.D.  
James M. Gillard, M.D., M.S., F.A.C.E.P., F.A.A.E.M.  
Gail Guerrero-Tucker, M.D., M.P.H., F.A.A.F.P., D.A.B.F.M.  
Pamela E. Jones

#### **GENERAL BUSINESS**

##### **A. CALL TO ORDER**

Chair Figge called the meeting to order at 5:04 p.m.

##### **B. ROLL CALL**

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

##### **ALSO PRESENT**

The following Board staff participated virtually in the meeting: Patricia McSorley, Executive Director; Raquel Rivera, Deputy Director; Claude Deschamps, M.D., Chief Medical Consultant; Nicole Samaradellis, 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 Board during the Public Statements portion of the meeting appear beneath the case.

##### **D. EXECUTIVE DIRECTOR'S REPORT**

- Draft Newsletter for Input, Review and Consideration

Ms. Rivera provided a draft newsletter for the Board's review and noted that the intention is to provide this to licensees tomorrow. It will introduce the Physician Health Program (PHP) to licensees and there is a section related to Opioid CME. Also, included is information regarding the need to register with the CSPMP. Ms. Rivera noted that licensees are informed at the time their license is approved and renewed of the need to register with the CSPMP if they intend to get a DEA registration. Ms. Rivera reported that she is currently

working with the licensing manager to revise the initial renewal applications and approval letters to include the need to register with more direct language, to increase registration and include it on the application checklist as well. Ms. Rivera noted that the CSPMP provides a report to the Board every six months regarding physicians who are not registered with the CSPMP despite maintaining a DEA registration. In lieu of hitting investigations with this, Ms. Rivera informed the Board that she will be taking this on as a special project as deputy director and is going to be working on how to best work through this list to get everyone who needs to register with the CSPMP registered.

- Update on Board Appointments.

Ms. McSorley reported that she had a meeting with the Governor's office and they are aware that the Board has multiple applications pending. Dr. Guerrero-Tucker's appointment was received a couple of weeks ago.

- Update on Dispensing Trends and AMB's Collaboration with the Pharmacy Board's CSPMP

Ms. Rivera reported that there was a meeting in August that Ms. McSorley and Ms. Samaradellis attended. The CSPMP staff continues to provide resources for prescribers and education on how to best practice to use the CSPMP. A review of controlled substance data from the Pharmacy Board indicates that there has been a decrease in opioid prescribing but there is an increase in stimulant prescribing. Also, SB1211 was passed in June 2024, which removed requirements specific to Naloxone dispensation reporting. This is what the Pharmacy Board sees as a way to remove the administrative barriers with getting people Naloxone if they need it. There is also this discussion about a work group looking to define a new course of treatment as outlined in A.R.S. § 36.2606 because there is no statutory definition currently for what constitutes a new course of treatment. There's also discussion of whether there should be requirements to include ICD 10 codes for diagnosis on prescriptions to support the course of treatment inquiry.

Dr. Figge and Dr. Krahn opined that the newsletter was well done. Dr. Krahn commented regarding the CSPMP report and noted that prescribing stimulants has been really challenging given the supply issues and that sometimes a prescription must be written to multiple pharmacies until it can be filled.

Dr. Figge opined that the newsletter was excellent and that it will also be available on the Board's website. Dr. Krahn commented that she there was some awareness that prescribing stimulants has been very challenging and because of drug shortages physicians may have to do five different prescriptions going to five different pharmacies before we locate a supply, and if those are all counted as separate prescriptions, that's more a result of some of the supply issues rather than truly prescribing more medication. Dr. Farmer agreed with Dr. Krahn and noted that he has heard that from physicians as well.

Ms. McSorley confirmed that this issue can be presented to the Pharmacy Board.

Dr. Krahn further noted that sometimes it's been necessary to switch to a completely different type of stimulant, because there just is no way to get the preferred one.

Ms. Samaradellis informed the Board that staff has quarterly meetings with the Board of Pharmacy Board and this topic will be discussed.

Dr. Beyer liked the fact that key paragraphs were emphasized throughout the newsletter.

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

- Introduction of New Board Member Gail Guerrero-Tucker, M.D.

Dr. Figge welcomed Dr. Guerrero-Tucker to the Board.

- Acknowledgement of Service for Constantine Moschonas, M.D.

Dr. Figge thanked Dr. Moschonas for his hard work and service.

## F. LEGAL ADVISOR'S REPORT

- 2024 Legislative Update Memo

Ms. Smith noted that the effective date for these new laws is September 14<sup>th</sup>. Ms. Smith further noted HB2113, which amends the medical assistance scope of practice, to allow them to communicate medical advice verbally including interpretation of test results and orders to patients. Those medical advice test results and orders must be documented by a physician, nurse, practitioner, or physician assistant. Ms. Smith noted that there has been a venue statute, and that refers to the appropriate place for a judicial action to be filed. Up until now that has been Maricopa County since that is where the seat of government is and the State agencies are all located. HB2490 has expanded the appropriate venue for any action to include the county where the party resides, or their place of business is located. That would allow an individual to file a judicial review action in Pima County and Pinal County depending on where they're located.

Dr. Gillard noted the Clinical Laboratory Improvement Act which is pretty specific on who can interpret a laboratory value. Dr. Gillard inquired about how this is possible when you are having somebody who is not a physician relay test results.

Ms. Smith clarified that the intent of the statute was to allow medical assistance to interpret the results, and then inform the patient. Ms. Smith opined that the way the bill was drafted, it is intended to allow the appropriately licensed individual to provide the written interpretation, and for the medical assistant to then communicate that written interpretation that's been provided by the appropriately licensed individual to the patient verbally over the phone.

Dr. Figge agreed that was the intent of the legislation and the discussion at the legislature. They are not interpreting and an MA's license is kind of vague regarding what they can or can't do. They're expected to be trained and overseen by the practitioner, including any interpretation. So they are simply an extension of them and conveying information.

## G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

Dr. Figge noted that there were a couple of changes to the 2025 meeting calendar. Dr. Figge further noted that October's meeting will be a full board meeting, with no committee meetings.

## H. APPROVAL OF MINUTES

- June 5, 2024 Regular Session Meeting; including Executive Session
- July 3, 2024 Special Teleconference Meeting

Dr. Artz noted that she attended the June 5th meeting but is not listed in the roll call.

**MOTION: Dr. Gillard moved to approve the June 5, 2024 Regular Session Meeting; including Executive Session minutes and the July 3, 2024 Special Teleconference Meeting minutes.**

**SECOND: Dr. Beyer.**

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

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-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. 24A-42688-MDX involving Dr. Charles E. Kelly and case no. 24A-62704-MDX involving Dr. Joel Dworkin.

1. MD-20-0379A, MD-20-0897A, MD-22-0326A, MD-22-0708A, MD-22-0896A, MD-23-0529A, CHARLES E. KELLY, M.D., LIC. #42668

Dr. Kelly participated virtually with counsel Sara Stark. Seth Hargraves, AAG participated virtually on behalf of the State. Lynette Evans, AAG participated virtually as the Board's Independent Legal Advisor.

Mr. Hargraves summarized that this matter deals with six cases. Case MD-20-0379A and MD-20-0897A were the result of three patient complaints received between May, 2020 and October, 2020 alleging sexual misconduct. In October of 2020, the Executive Director issued an Interim Order requiring Dr. Kelly to undergo a psychosexual evaluation that was conducted at Acumen. In February, 2021 they issued their evaluation report and Dr. Kelly entered into an interim consent agreement for a practice restriction. Part of the practice restriction required a pre-approved practice monitor and a pre-approved female chaperone consisting of a licensed healthcare provider, and until such time as one could be obtained, the use of two medical assistants. An outside medical consultant (MC) review of the three quality of care complaints found that Dr. Kelly's practice was within the standard of care with some recommendations for practice changes. The matter was reviewed by SIRC in November, 2021 and Dr. Kelly requested the matter go before OAH. In March of 2022, the Board received a new complaint alleging failure to properly diagnose as well as the unnecessary performance of breast exams similar to allegations from other complaints. The Board conducted an investigation and the MC found that there were violations of the standard of care and also Board staff reviewed the patient records and found some issues regarding possible deviations from the requirements of the Interim Consent Agreement. The three other cases deal with Board staff review of patient records to determine compliance with the interim consent agreement. In October, 2023 the Board summarily suspended the license and the matter went to hearing. Regarding Dr. Kelly's request for the Board to reject the ALJ's recommended decision, Mr. Hargraves noted that the hearing was held over six days and addressed the compliance issues in the case. Dr. Kelly was required to instruct the female chaperones to document their presence and have them contemporaneously maintain a pre-approved log. Dr. Kelly was also required to instruct the chaperones to immediately report any issues and the chaperone had responsibilities to provide the Practice Monitor with copy of the patient log on a weekly basis. Mr. Hargraves noted that testimony at the hearing showed that a lot of those requirements were not met. These chaperone logs were being pre-filled each morning by the office manager, not by the chaperones. It was only later on in the day that the actual chaperone would go down and actually sign the log. It was also revealed during testimony that Dr. Kelly did not provide any guidance or instruction to any of the chaperones as the interim consent agreement required. He delegated that responsibility to the office manager. There were also several instances where despite the requirement of a registered nurse, licensed nurse or physician assistant there was not one after a certain point. They were having trouble hiring one and in the interim they were using two medical assistants. However, most of the time two medical assistants were not being used, it was only one. The ALJ has submitted her decision, consisting of 71 findings of fact, 21 conclusions of law and a recommended order upholding the Board's summary suspension, revoking Dr. Kelly's medical license, and requiring him to reimburse the Board the cost of the formal hearing. The ALJ did find that the Board did not meet its burden in cases MD-20-0379A and MD-20-0897A. However, the ALJ did find that the Board established violations in case MD-22-0326A in regards to sedation record keeping and Dr. Kelly providing the Board's investigation file to a private

attorney to file civil litigation against the patient who filed the complaint. The ALJ also found violations of the interim consent agreement in the last four cases. Mr. Hargraves requested that the Board adopt the ALJ's recommended decision with some revisions, mostly typographical as noted in the motion to adopt. The costs of the hearing came out to \$11,008.18 for the court reporter's time and the cost of the hearing.

Ms. Stark stated that these complaints have been investigated and litigated. These complaints contain serious and egregious allegations of sexual misconduct which Dr. Kelly has vehemently denied since day one. He entered into an interim consent agreement for a practice restriction upon the advice of a prior attorney after being assured that doing so would allow him to keep his clinic operating and afford him a right to a full evidentiary hearing to defend himself against the false allegations. The ALJ found that, despite the fact that the Board failed to prove, by clear and convincing evidence that Dr. Kelly engaged in any unprofessional conduct with respect to the patients identified in these cases, his alleged violations of the interim consent agreement were apparently enough for his license to be revoked, despite the fact that no sexual misconduct has actually occurred here. Ms. Stark stated that a physician being unable to be regulated is highly concerning that is not the case with Dr. Kelly, and the evidence strongly suggests otherwise. Dr. Kelly underwent an extensive evaluation process and spent three years utilizing a practice monitor, chaperones, creating a boundary protection plan, undergoing random chart reviews, and for the last 18 months submitting every chaperone log that was created on a monthly basis to Board staff. Ms. Stark stated that she was involved in this process, and if there was ever an issue with the way the interim consent agreement's terms were being complied with they adjusted and changed it during the process. No one ever expressed concern about the logs containing crossed out names of patients who had not shown up for the day and didn't end up being chaperoned. That was not addressed until the hearing, and again she had been submitting every single log monthly to staff for at least 18 months by that point. Ms. Stark stated that now that Dr. Kelly has been exonerated of the underlying allegations, he is being punished still for not perfectly complying with the restrictions designed to keep patients safe from behaviors that he never committed in the first place. Ms. Stark proposed a different outcome that she stated she could explain in executive session as it involves a diagnosis and protected health information.

Dr. Kelly stated that he is in an excellent position and his diagnosis is well documented. Dr. Kelly appreciated that the cloud of a question of indecency has been removed, because that was never the case.

Mr. Hargraves argued that the violations were not just violations of the interim consent agreement. The ALJ found other violations of the Board's statutes in Case MD-22-0326A regarding the standard of care. While Dr. Kelly may have been using one chaperone that was not the requirement. The requirement was if they are of a certain level or for two medical assistants. In the case where there was always at least one, it was a medical assistant. The initial allegations could not be proven, but there was testimony at the hearing that chaperones were not present for portions of patient visits. The concerns about the logs being pre-filled could not be raised prior to the hearing because they couldn't be identified just by looking at the documents, and only came to light because of the witness testimony. Based upon all the evidence and testimony reviewed, the ALJ felt that revocation was appropriate. Mr. Hargraves requested that the recommendation be adopted with the modifications as requested.

**MOTION: Ms. Jones moved to adopt the proposed Findings of Fact with the proposed amendments as requested by the State.**

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

**MOTION: Dr. Krahn moved to adopt the proposed Conclusions of Law as requested by the State.**

**SECOND: Ms. Jones.**

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

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

**MOTION PASSED.**

**MOTION: Dr. Krahn moved to adopt the ALJ's recommended decision to Revoke Respondent's medical license, to include the amount of costs of the formal hearing that were incurred, for a total cost of \$11,008.18.**

**SECOND: Ms. Jones.**

Dr. Beyer commented that the underlying issues that brought this matter to the Board were not substantiated. Dr. Beyer opined that the other issues would have been typically adjudicated as a reprimand and not a revocation. Dr. Beyer opined that without the sexual allegations being sustained, he found it difficult to revoke a license based on the chaperone issue. Dr. Figge noted that the ALJ stated that the issue is whether or not the physician could be regulated, Dr. Kelly signed the interim consent agreement and did not adhere to it. Dr. Gillard agreed that revocation is not appropriate. Dr. Bethancourt spoke against the motion since the sexual misconduct was not sustained. Dr. Farmer noted that there was reference to testimony that could be delivered in executive session.

**MOTION: Dr. Farmer moved for the Board to enter into Executive Session discussion of confidential information pursuant to A.R.S. § 38-431.03(A)(2).**

**SECOND: Ms. Jones.**

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

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

**MOTION PASSED.**

The Board entered into Executive Session at .6:42 p.m.

The Board returned to Open Session at 5:52 p.m.

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

**VOTE: The following Board members voted in favor of the motion: Dr. Krahn and Ms. Jones. The following Board Members voted against the motion: Dr. Figge, Dr. Bethancourt, Dr. Artz, Ms. Dorrell, Dr. Farmer, Dr. Gillard, Dr. Guerrero-Tucker and Dr. Beyer. The following Board member was absent: Ms. Bain.**

**VOTE: 2-yay, 8-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION FAILED.**

Dr. Gillard suggested moving to table this matter for a clear and concise offer from Respondent's attorney.

Mr. Hargraves noted that OAH's website has an agency due date as October 14<sup>th</sup>.

Ms. Evans informed the Board that the time frame seems long and expressed concern that if the Board tables the case, OAH can certify it their recommendation.

Ms. Smith clarified the statutory language and confirmed that the board has five days to submit it's decision after the meeting.

**MOTION: Dr. Gillard moved to issue a Decree of Censure and Practice Restriction with Five Year Probation to participate in PHP with terms consistent with the PHP**

**Contractor's recommendations and participate in psychotherapy. Dr. Kelly shall be required to utilize a chaperone with terms and conditions consistent with his Interim Order. Dr. Kelly shall pay the formal hearing cost of \$11,008.18. Dr. Kelly shall cause the psychotherapist to submit monthly reports to the Board. If the evaluation or PHP Contractor identifies additional treatment and/or therapy, Dr. Kelly shall comply with any recommendations from the psychotherapist or assessment, subject to approval by the Board or its staff. Dr. Kelly shall be responsible for all costs of the evaluations, assessment and any treatment recommended by the evaluators or PHP Contractor. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Kelly's request for termination shall be accompanied by a recommendation from his PHP Contractor and psychotherapist stating that monitoring is no longer required.**

**SECOND: Dr. Bethancourt.**

Dr. Krahn opined that a psychiatrist needs to be involved in the PHP. Dr. Beyer opined that this is a good solution to this case, as the ALJ noted that there was poor compliance with the chaperone process, and even though the underlying issues were not sustained there was a signed document that was not followed. Dr. Beyer noted that CB's medical care was disturbing and that there was serious patterns of care for that patient. There was both medical and compliance issues and the Decree of Censure is appropriate as long as there is something in place to ensure the physician is getting the help he needs. Ms. Jones and Dr. Krahn agreed that there needs to be chart reviews since there were multiple problems with compliance of the interim practice restriction. Dr. Gillard opined that chart reviews are not necessary. Dr. Guerrero Tucker noted that the findings of sexual misconduct were not substantiated but other behavioral issues were substantiated. Dr. Artz and Dr. Guerrero-Tucker expressed concern regarding continuing the chaperone as is since it cannot be adhered to. Dr. Gillard noted that in the past the board has changed it to any female licensed healthcare provider. Dr. Krahn noted that the previous agreement was a licensed female provider and if not available then two unlicensed medical assistants. Dr. Krahn requested that the chaperone be present for the entire patient encounter and the log be completed after each encounter by the chaperone.

Board staff requested clarification whether Dr. Kelly's wife, who is a licensed healthcare provider, is excluded.

Dr. Krahn confirmed that family members should be excluded.

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

**VOTE: 8-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

During the meeting and confer process:

Mr. Hargraves stated that it is the Board's discretion to take whatever action they deem appropriate, but noted that the Board's proposal would put Dr. Kelly on the exact same probationary requirements that he has already proved to be non-compliant with.

Ms. Stark noted that the interim consent agreement could have been clearer to prevent this. Dr. Kelly is willing to comply but needs to be clear in what the Board wants him to do. Ms. Stark further noted that there were no sustained violations regarding CB's care for the gall bladder issue. In that case the deviations had nothing to do with the pancreatitis issue.

Ms. Smith confirmed that she can assist staff to craft clarified language regarding the chaperone requirements and log language for the order.

Ms. Stark inquired if Board staff will provide a form for the physician to use.

Ms. Smith confirmed that Board staff can provide a form to be used by the physician for this case.

**MOTION: Dr. Gillard moved to adopt the proposed Findings of Fact, Conclusions of Law and Order, which incorporates the requested amendments to FOF#11, 21, 35, 39, & 56 and the amendment to the Order to include \$11,008.18 (\$6,578.25 + \$4,429.93) for formal hearing costs as requested by the State.**

**SECOND: Dr. Bethancourt.**

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

**VOTE: 8-yay, 2-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

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

Ms. Cuddington participated virtually on behalf of the physician. Elizabeth Campbell, AAG participated virtually on behalf of the State. Lynette Evans, AAG participated virtually as the Board's Independent Legal Advisor.

Ms. Campbell stated that in December of 2020, Dr. Dworkin entered into an agreement with the Arkansas Medical Foundation, where he was then licensed as a medical doctor. That agreement was based upon an incident that had occurred earlier that year, where Dr. Dworkin had shared his manuscript containing sexual content with the adult family member of a patient. As a result of the complaint, he was sent for an evaluation during which he showed a nude picture of himself and his brother, which the evaluators noted as in another instance of inappropriate conduct and contextually inappropriate. As a result, the evaluators issued a recommendation which included an order for Dr. Dworkin to be safe to practice medicine that he needed to be monitored in the workplace. Dr. Dworkin then entered into the agreement with the Arkansas Medical Foundation. In December of 2020, he was also in the process of applying for licensure with the Arizona Medical Board. Dr. Dworkin started work for the Arizona VA in February of 2021. He was under the Arkansas Medical Foundation Agreement at that time which required a workplace monitor and worksite monitor reports. Dr. Dworkin failed to comply with these requirements. Dr. Dworkin was then licensed in July of 2022 with the Arizona Medical Board conditioned upon him signing a Stipulated Health Agreement (SHA) with the Arizona Board requiring him to continue the monitoring. He was still working at the VA but he failed to inform the VA that he was now under the Arizona SHA. As of October of 2022, Dr. Dworkin had not established worksite monitoring at the VA. Dr. Dworkin continued to engage in boundary violations. cautioned about. In December of 2022, he shared his manuscript with a female resident, who complained about sexual content in the manuscript and about jokes that he made to her with sexual content. All of this ultimately resulted in the VA terminating him for repeated instances of inappropriate conduct at work. Ms. Campbell requested that the Board accept the ALJ's findings of fact and conclusions of law with minor corrections. She further requested that the Board accept the ALJ's recommendation for revocation and include the costs of the formal hearing for \$3,658.83.

Ms. Cuddington stated that this case involved allegations that the physician failed to comply with a SHA and Dr. Dworkin was under a monitoring agreement with Arkansas due to some boundary violations. He underwent an evaluation and was deemed safe to practice if he complied with some conditions, and he was granted a license in Arizona. Ms. Cuddington noted that there has been no allegation made that by the Board that Dr. Dworkin did not comply with the therapy requirement of the SHA. Dr. Dworkin has been seeing a therapist and has been compliant on that front. Ms. Cuddington noted that Dr. Dworkin has been



suspended for over a year and was under the impression that a secondary evaluation was required. Dr. Dworkin was completely willing to comply with that, and was never given the opportunity to do it. Ms. Cuddington noted that she filed a motion opposing the ALJ's decision, and is requesting a number of revisions to the findings of fact. Ms. Cuddington argued that these allegations do not warrant revocation. Dr. Batizy, who served as Dr. Dworkin's monitor at the VA, testified that he submitted two quarterly reports. He was aware that Dr. Dworkin was under an agreement and that there was an issue with who was submitting the report. It was supposed to go through credentialing office, and nobody knew that. Dr. Dworkin also testified that the VA was aware that he was under a monitoring agreement in November of 2020. Ms. Cuddington requested a 5-year probation agreement with the monitoring conditions as outlined in the SHA through the PHP program.

Ms. Campbell agreed that the therapy was not an issue at hearing. Dr. Dworkin's conduct at the VA shows that it has not been effective since he continues to have boundary violations. Dr. Dworkin was not monitored as he needed to be under the Arkansas agreement, which was a recommendation with regard to safety to practice.

**MOTION: Dr. Krahn moved to adopt the proposed Findings of Fact with the proposed amendment to FOF #28 as requested by the State.**

**SECOND: Dr. Bethancourt**

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

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

**MOTION PASSED.**

**MOTION: Dr. Krahn moved to adopt the proposed Conclusions of Law with the proposed amendment to COL #9 as requested by the State.**

**SECOND: Dr. Bethancourt.**

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

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

**MOTION PASSED.**

**MOTION: Dr. Krahn moved to adopt the ALJ's recommended decision to Revoke Respondent's medical license, to include the amount of costs of the formal hearing that were incurred, for a total cost of \$3,658.83.**

**SECOND: Dr. Bethancourt.**

Dr. Gillard noted Respondent's appeal rights for the record. Dr. Krahn found the boundary violations to be egregious and opined that they do affect the team and patients. Dr. Krahn further opined that the lack of compliance with the Arkansas Order to be egregious. Dr. Gillard agreed that this shows a problem with the physician's ability to be regulated.

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

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

**MOTION PASSED.**

During the meet and confer process:

Ms. Campbell stated that the State supports the proposed modifications.

Ms. Cuddington stated that she had no additional argument with regard to the proposed modifications.

**MOTION:** Dr. Krahn moved to adopt the proposed Findings of Fact, Conclusions of Law and Order, which incorporates the requested amendment to Conclusion of Law No. 9 and the amendment to the Order to include \$3,658.83 (\$1,495.83 + \$2,163) for formal hearing costs as requested by the State.

**SECOND:** Dr. Bethancourt.

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

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

**MOTION PASSED.**

## **J. RESCIND REFERRAL TO FORMAL HEARING AND ACCEPT PROPOSED CONSENT AGREEMENT**

1. MD-22-0514A, JOEL A. HAYDEN, M.D., LIC. #23390

Dr. Hayden was not present. Seth Hargraves, AAG participated virtually on behalf of the State. Lynette Evans, AAG participated virtually as the Board's Independent Legal Advisor.

Mr. Hargraves summarized that this case was initiated in May of 2022 when Dr. Hayden requested reactivation of his license, which was inactivated with cause on March 15, 2022. This matter was scheduled for a formal interview with the Board that Dr. Dr. Hayden had requested and he told his PHP advisor that he was not going to show up, and that he was planning on surrendering his license. He did not notify anyone on Board staff of that. He did not show up to the formal interview, and this Board voted the matter to formal hearing at OAH. The matter was set for hearing. Mr. Hargraves stated that he was able to get in touch with Dr. Hayden who was under the impression that his verbal statement back then constituted him giving up his license. Mr. Hargraves stated that Dr. Hayden signed the order of surrender and requested that the Board accept the surrender and vacate the hearing.

Dr. Gillard noted that SIRC had recommended a Decree of Censure and five years of PHP probation.

**MOTION:** Dr. Gillard moved to accept the proposed consent agreement for Surrender of License and rescind the referral to formal hearing.

**SECOND:** Dr. Krahn.

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

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

**MOTION PASSED.**

## **CONSENT AGENDA**

### **K. CASES RECOMMENDED FOR DISMISSAL**

**MOTION:** Ms. Jones moved to dismiss the case in item numbers 1 and 2.

**SECOND:** Dr. Bethancourt.

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

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

**MOTION PASSED.**

1. MD-23-0230A, MARK J. GETTLEMAN, M.D., LIC. #23947

**RESOLUTION:** Dismissed.

2. MD-23-1208A, NEHA MAHESHWARI, M.D., LIC. #40562  
L.M. addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Dismissed.**

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

**MOTION: Dr. Krahn moved to issue an advisory letter in item numbers 1, 3-5, 7, 9-10.**

**SECOND: Dr. Gillard.**

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

**VOTE: 10-yay, 0-nay, 0-abstain, 0(Dr. Farmer recused from item #10)-recuse, 1-absent.**

**MOTION PASSED.**

1. MD-23-0633A, LALITH K. GANDE, M.D., LIC. #42150  
Counsel Patrick White addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

**RESOLUTION: Advisory Letter for inappropriately prescribing a high dose of Digoxin. 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-23-0896A, KATIE M. CAMPUZANO, M.D., LIC. #31312  
Dr. Bethancourt stated that although this was a complicated pregnancy, the patient no showed for three appointments, was rude to staff and was properly discharged from the practice. Dr. Bethancourt opined that there must be a limit if someone misses appointments to render proper care. Dr. Beyer agreed, that this was an appropriate situation to dismiss the patient and it was not done improperly. They provided ongoing care during the transition and opined that this should be dismissed. Dr. Krahn commented regarding the timing of the decision to discharge this patient was that although this was a complicated pregnancy she was not close to her due date and could have gotten another provider.

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

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

3. MD-23-0894A, STEPHANIE N. SCHOCK, M.D., LIC. #54152

**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.**

4. MD-23-0960A, DERYL R. LAMB M.D., LIC. #21010

**RESOLUTION: Advisory Letter for failing to comply with CSPMP mandatory use requirements. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.**

5. MD-23-1039A, NEHA MAHESHWARI, M.D., LIC. #40562  
S.R.L. addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Advisory Letter for failing to obtain informed consent prior to a steroid injection. 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-23-0602A, NIRMALA ARYAL, M.D., LIC. #30309

Dr. Bethancourt noted that treating bipolar disease with Latuda is well known that it can cause Parkinson's but it is also well known that Parkinson's drugs can treat this. Looking at the literature anti Parkinson's medications can be used to treat the side effects.

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

**SECOND: Dr. Gillard.**

Dr. Krahn opined that even though this may be acceptable, it is not the community standard and spoke against the motion. Dr. Beyer agreed that the physician is a neurologist and there should have been an index of suspicion that should have been reflected in the care.

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

**VOTE: 3-yay, 7-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION FAILED.**

**MOTION: Dr. Krahn moved to issue an Advisory Letter for failing to diagnose a medication induced movement disorder 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.**

**SECOND: Dr. Artz.**

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

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

**MOTION PASSED.**

7. MD-23-0470A, JAMES D. GORDON, M.D., LIC. #28386

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

**RESOLUTION: Advisory Letter for failing to timely report felony charges. The violation is a minor or technical violation that is not of sufficient merit to warrant disciplinary action.**

8. MD-24-0229A, LAURA K. HENSON, M.D., LIC. # 29621

Dr. Henson and counsel Cory Tsyzka addressed the Board during the Public Statements portion of the meeting. J.W.H. addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard expressed concern that the physician is an expert and something was actually written and submitted to the court. The physician stated that she believed he is a narcissist and he has caused her patient emotional and physical trauma. Dr. Gillard opined that this is something the physician should not do since it was submitted to the court and there was no examination. Dr. Gillard spoke in favor of the Advisory Letter and CME in ethics.

**MOTION: Dr. Gillard moved to issue an Advisory Letter and Order for Non-Disciplinary CME for making false statements regarding patient medical conditions in professional correspondence. 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 4 hours of Board staff pre-approved Category I CME in ethics. The CME hours shall be in addition to the hours required for license renewal.

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

9. MD-23-1053A, HITESH K. MOVALIA, M.D., LIC. #29534

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

**RESOLUTION: Advisory Letter for failing to report a DUI in a timely manner. While the licensee has demonstrated substantial compliance through remediation that has mitigated the need for disciplinary action, the Board believes that repetition of the activities that led to the investigation may result in further Board action against the licensee.**

10. MD-20-0313A, JEFFREY B. MONASH, M.D., LIC. #37196

Dr. Artz and Dr. Dr. Figge stated that he knows the physician, but that it would not affect his ability to adjudicate the case. Dr. Farmer recused from this case.

**RESOLUTION: Advisory Letter for using medication not prescribed during a course of treatment. 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.**

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

1. MD-23-0994A, RUSSEL E. WESTERFIELD, M.D., LIC. #17798

Dr. Farmer commented that this case was an anesthesia consent issue. The consultant made a good point that there were two paths regarding informed consent. In this case there was a general consent that is all that is required in many centers. However, there are many centers going towards using specific anesthesia consent. Dr. Farmer found it mitigating that the circulating nurse checklist did not catch this, and it proceeded. Dr. Farmer noted that there was an important allegation in the peer review documents that should be further investigated regarding his behavior and administering propofol at the bedside and then walking away. Dr. Bethancourt agreed regarding the combined consent form that was signed and questioned why this would be an advisory letter.

Board staff explained that when staff gets a peer review that has additional information it is sent to the Chief Medical Consultant (CMC) to determine if any more information is needed. At the time, the CMC reviewed all information and did not feel that additional information needed to be reviewed.

Dr. Farmer agreed with the CMC that there is nothing else in the record that indicates further information is needed other than the peer review. Dr. Farmer stated that the peer review is enough to send back for further review.

**MOTION: Dr. Farmer moved to return the case for further investigation.**

**SECOND: Dr. Bethancourt.**

Dr. Figge noted that this was an internal review by the hospital and the hospital was the one who submitted the complaint to notify the Board and even if there was a general consent he should have not written the patient's name in there. Dr. Gillard spoke against the motion since this case was specifically regarding the consent form and a new complaint

should be submitted for this. Dr. Beyer commented that it is not unusual to find something in the investigation that was not submitted in the original complaint and that this is potentially a substantive care issue that should be reviewed.

Board staff noted that there is no documentation in the record regarding the concern that was brought up.

Dr. Artz questioned why the nurse brought this up for review and didn't just bring it up with the physician or patient. Dr. Artz agreed that the nurse may have felt there was something else here but only had enough for the consent issue to bring up. Ms. Jones asked about the doctor's statement that he took CME and whether these courses would have qualified towards the recommended CME.

Ms. Rivera stated that she reviewed the four hours and they are not relevant to what the Board is proposing, but noted that any proposed CME would go the CMC for approval.

Dr. Farmer clarified that the record does not have any documentation of propofol given at all, so if from the physician left after it was administered, it is even worse that it was not documented. Dr. Farmer opined that this would be a serious safety issue that should be addressed.

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

**VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-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 1-3.**

**SECOND: Dr. Bethancourt.**

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

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

1. MD-24-0338A, EYAL SHTORCH, M.D., LIC. #N/A

**RESOLUTION: License granted.**

2. MD-24-0196A, SIDHARTH HANDA, M.D., LIC. #N/A

**RESOLUTION: License granted.**

3. MD-24-0250A, JEREMIAH H. TYSON, M.D., LIC. #N/A

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

**RESOLUTION: License granted.**

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

1. MD-24-0162A, STEVEN G. SUTTON, M.D., LIC. #N/A

Dr. Gillard agreed with SIRC's recommendation, given there are issues that have not been resolved.

**MOTION:** Dr. Gillard moved to offer the applicant the opportunity to withdraw his license application in lieu of a formal license denial. If not withdrawn within 30 days, deny the license based on A.R.S. § 32-1422(A)(3)(4)(6), (C), and (D).

**SECOND:** Dr. Krahn.

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

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

**MOTION PASSED.**

iii. **REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSURE BY ENDORSEMENT PURSUANT TO A.R.S. § 32-1426(B) AND R4-16-201(F), OR TAKE OTHER ACTION**

**MOTION:** Dr. Gillard moved to grant licensure by endorsement in item numbers 1 and 2.

**SECOND:** Dr. Bethancourt.

Dr. Bethancourt stated that Dr. Guarisco has been very involved in emergency health and Dr. Mailo is very qualified.

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

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

**MOTION PASSED.**

1. JOSEPH GUARISCO, M.D., LIC. #N/A

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

**RESOLUTION:** License granted.

2. JANETTE A. MAILO, M.D., LIC. #N/A

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

**RESOLUTION:** License granted.

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

**MOTION:** Dr. Gillard moved to grant the request for waiver of documentation requirement and to grant the license it item numbers 1-5.

**SECOND:** Dr. Krahn.

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

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

**MOTION PASSED.**

1. SHAHAB F. ABDESSALAM, M.D., LIC. #N/A

**RESOLUTION:** License granted.

2. JAMES F. LEAVEY, M.D., LIC. #N/A

**RESOLUTION: License granted.**

3. POLINA N. KYRIAKIDES, M.D., LIC. #N/A

**RESOLUTION: License granted.**

4. JAMES F. VERREES, M.D., LIC. #N/A

**RESOLUTION: License granted.**

5. JORDAN C. STERN, M.D., LIC. #N/A

**RESOLUTION: License granted.**

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

1. AHMED M.A. ELABD, M.D., LIC. #N/A

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

**MOTION: Dr. Krahn moved to grant the license based on equivalency.**

**SECOND: Dr. Gillard.**

Dr. Gillard noted that the physician had considerable training in Egypt and did three years here. Dr. Gillard opined that the physician is qualified. Dr. Krahn agreed and noted that this is a subspecialty and not all training is accredited.

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

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

**MOTION PASSED.**

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

**OTHER BUSINESS**

**O. REQUEST FOR TERMINATION OF BOARD ORDER**

1. MD-22-0485A, CAMERON A. MEEK, M.D., LIC. #60942

Dr. Gillard noted that Dr. Keen and Dr. Lott are in favor of termination, and the physician has completed 22 months of monitoring.

**MOTION: Dr. Gillard moved to grant the request to terminate the September 7, 2023 Board Order.**

**SECOND: Ms. Dorrell.**

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

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

**MOTION PASSED.**

2. MD-21-0972A, TODD K. MALAN, M.D., LIC. #34046

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

Dr. Gillard noted that the physician is an OBGYN specialist who was doing some cosmetics. He was interviewed by the Board's committee at the December 8, 2023 meeting. There were some charges for stem cell treatments and a Reprimand and Reimbursement was ordered. Dr. Gillard further noted that there are previous sanctions for doing liposuction with a bad result, but the physician has completed all the requirements.



Board staff confirmed that Dr. Malan did submit the reimbursement payment and staff received confirmation from EW.

**MOTION:** Dr. Gillard moved to grant the request to terminate the February 7, 2024 Board Order.

**SECOND:** Ms. Jones.

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

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

**MOTION PASSED.**

3. MD-18-0585A, ASHWIN P. NAMBIAR, M.D., LIC. #56589

Dr. Gillard noted that the physician's therapist is in favor of termination and another Arizona psychiatrist is also in favor of termination.

**MOTION:** Dr. Gillard moved to grant the request to terminate the September 23, 2020 Board Order.

**SECOND:** Dr. Krahn.

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

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

**MOTION PASSED.**

4. MD-21-0308A, ANDRES ALVARADO, M.D., LIC. #26109

Dr. Gillard noted that there is another Decree of Censure with Probation for chart reviews ordered, so if this is granted the other order is in effect. Dr. Figge confirmed that this needed to be terminated by the full Board after the interview.

**MOTION:** Dr. Gillard moved to grant the request to terminate the March 4, 2022 Board Order.

**SECOND:** Dr. Beyer.

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

**VOTE:** 10-yay, 0-nay, 0-abstain, 0-recuse, 1-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. Gillard moved to adjourn the meeting.

**SECOND:** Dr. Beyer.

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

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

**MOTION PASSED.**

The meeting adjourned at 8:35 p.m.



*Patricia E. McSorley*  
Patricia E. McSorley, Executive Director