



## 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, November 6, 2024

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

#### *Board Members*

Gary R. Figge, M.D., Chair  
Bruce A. Bethancourt, M.D., F.A.C.P., Vice-Chair  
Lois E. Krahn, M.D., Secretary  
Katie S. Artz, M.D., M.S.  
Jodi A. Bain, M.A., J.D., LL.M.  
David C. Beyer, M.D., F.A.C.R., F.A.S.T.R.O.  
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: 5:05 p.m.

### B. ROLL CALL

The following Board member participated 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 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

- Update on Board Appointments  
Ms. McSorley reported that they are currently working on a public member’s position being filled but there are no other updates on the vacant positions or reappointments. Ms. McSorley stated that the plan is to get Dr. Beyer confirmed by the Senate this legislative session. Ms. McSorley noted that not every health regulatory board requires confirmation by the Senate, but the Medical Board appointments do require appointment by the Senate.
- Update on Petition Filed by Dr. Kaye with GRRC to Review Order in MD-22-0427A  
Ms. McSorley reported that Dr. Kaye appealed to GRRC to review the Board Order issued by the Board which required him to continue with the pulse training that the Board required in his disciplinary order as part of his probation. Ms. McSorley noted that it was atypical in

that disciplinary orders are not usually within the jurisdiction of GRRRC, but they allowed him to bring his petition. On Tuesday they determined that they would not hear it so the case is closed with regard to GRRRC. Ms. McSorley further noted that it was an unusual appeal because they felt that he was appealing the Board order which should have gone before a judicial action in Superior Court.

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

- Review and Discussion of the Board's Schedule and Concerns Regarding Quorum  
Dr. Figge reminded members that the Board meeting schedule is put out a year in advance and noted that at the last meeting we almost had to stop a meeting due to no quorum. Dr. Figge requested that Board members inform staff if they are unable to attend a meeting in advance so that staff can make the appropriate changes.

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

No report was given.

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

Ms. McSorley requested that given the issues with the 411 recently, there are concerns that regenerating the day before or the day of the meeting can cause problems. Ms. McSorley requested that staff be allowed to include in the notice letters that submissions not be accepted the day before or of the meeting.

Ms. Bain commented that Board members had tried to establish deadlines for when to submit materials in the past but inquired about what would be an appropriate deadline.

Ms. McSorley agreed that this is not a new idea but it needs refinement. Ms. McSorley agreed that this matter can be taken to the administrative committee before being brought to the full board in December for consideration.

## **H. APPROVAL OF MINUTES**

- August 6, 2024 Regular Session Meeting; including Executive Session
- September 4, 2024 Special Teleconference Meeting; including Executive Session
- October 9, 2024 Regular Session Meeting

**MOTION: Dr. Gillard moved to approve the August 6, 2024 Regular Session Meeting; including Executive Session, the September 4, 2024 Special Teleconference Meeting; including Executive Session and the October 9, 2024 Regular Session Meeting.**

**SECOND: Ms. Dorrell.**

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

**VOTE: 10-yay, 0-nay, 0(Ms. Jones, Ms. Bain and Dr. Artz abstained from the October 9<sup>th</sup> minutes; Dr. Krahn and Dr. Guerrero -Tucker abstained from the August 6<sup>th</sup> minutes)-abstain, 0-recuse, 0-absent.**

**MOTION PASSED.**

## **LEGAL MATTERS**

### **I. MOTION FOR REHEARING/REVIEW (FORMAL HEARING)**

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

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

Ms. Cuddington argued on behalf of Dr. Dworkin's motion and stated that the ALJ recommended revocation of the license, which was upheld by the Board. This case involves allegations that Dr. Dworkin failed to comply with the monitoring agreement that he was under while he was employed at the VA and then, while he was at a private practice. Ms. Cuddington argued that the findings of fact and conclusions of law in the final order are not justified by the weight of the evidence that was presented at hearing. Ms.

Cuddington stated that the final order fails to consider important testimony that was presented by Dr. Batizy, who served as Dr. Dworkin's Worksite Monitor at the VA. Dr. Batizy testified that he was informed by Dr. Dworkin about the SHA agreement, and that he submitted quarterly reports pursuant to the agreement. He also stated that there was a lapse in quarterly reporting, and that it was supposed to go through the Credentialing Office. There was also evidence presented at the hearing that Dr. Dworkin told the chief of staff at the VA about the monitoring agreement prior to starting his employment. Additionally, one of the State's own witnesses from the Credentialing Department at the VA testified that there was no requirement for Dr. Dworkin to inform the Credentialing Department about the Arkansas agreement. With regard to the issues with the Arizona Physician Group, Ms. Cuddington argued that at the start of his employment there, the owner of the group testified that he was provided with a copy of the SHA by Dr. Dworkin, and that he confirmed receipt with the PHP. Ms. Cuddington argued that during the hearing, the Board's medical consultant (MC) was improperly allowed to testify about the VA Code of Conduct when she's not currently employed by the VA. Ms. Cuddington opined that the penalty is excessive and requested that the Board reconsider the decision to revoke Dr. Dworkin's medical license.

Ms. Campbell stated that when Dr. Dworkin was licensed in July of 2022, he was already under an agreement with the Arkansas Medical Board (AMF), which was based upon an evaluation completed after he shared a manuscript containing sexual content with the adult granddaughter of a patient. The AMF evaluation determined that Dr. Dworkin was fit to practice, provided he follow recommendations, including having an external system of accountability to ensure that he is held to professional and boundary maintenance standards. Dr. Dworkin entered into the agreement with the AMF that required an initial contact report, with monthly reports for the first year and then quarterly reports thereafter. Dr. Dworkin came to Arizona in February of 2021 and worked for the VA. Dr. Batizy testified at the hearing that he never received a copy of the AMF agreement and did not know what Dr. Dworkin was being monitored for. Dr. Batizy only emailed the AMF on April 7, 2021 for the worksite report form. After that report, there was an entire year until April 7, 2022 when Dr. Batizy sent an email to the AMF that said everything looked good with Dr. Dworkin's employment. However, Dr. Batizy testified that this was a reference letter. Ms. Campbell argued that Dr. Dworkin demonstrated boundary issues almost immediately when he started working at the VA. He received a clarification of supervisory expectations letter for inviting a female resident to his hour in April 2021 followed by an August 2022 written counseling for sharing artistic nudes with hospital staff. Ms. Campbell noted that in December of 2022 there was an incident between Dr. Dworkin and a female resident. The resident complained that Dr. Dworkin had made inappropriate comments and inappropriate jokes. Dr. Dworkin admitted at hearing and in documents that he made those jokes. The resident also complained that he had read her portions of his manuscript and that he had shared portions of that manuscript with sexual content. Dr. Dworkin's contention is that he never shared anything explicitly sexual in the manuscript. Ms. Campbell opined that Dr. Dworkin is not learning from his mistakes and that he is engaging in the same conduct over and over again. As a result, Ms. Campbell stated that the Board has to consider whether Dr. Dworkin can be regulated.

**MOTION: Dr. Krahn moved to deny the motion for rehearing or review.**

**SECOND: Ms. Bain.**

Dr. Beyer stated that the crux of the issues were laid out in front of the ALJ and there is no new evidence heard today that could not have been discussed during the hearing. Regarding the excessive penalty argument, Dr. Beyer opined that the physician's regulability is a huge question. The fact that the same issues that were exhibited in Arkansas took place here is a concern. Dr. Beyer opined that the penalty is not excessive. Dr. Krahn noted that the Board already discussed these issues during the consideration of the ALJ's recommendation. Dr. Gillard noted that the physician has further appeal rights.

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

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

**MOTION PASSED.**

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

1. MD-23-0721A, SANDEEP RAO, M.D., LIC. #51872

Dr. Rao participated virtually. Carrie Smith, AAG participated on behalf of the State and Lynette Evans, AAG participated as the Board's Independent Legal Advisor.

Dr. Rao stated that he received a CME order to complete a minimum of six hours of Board staff pre-approved CME in the diagnosis and treatment of complications after vascular stenting procedures. Dr. Rao stated that he utilized his right to appeal since he did not actually place a stint in this patient and he saw the patient as a second opinion. Dr. Rao stated that there was no actual CME available that he could identify in the diagnosis and treatment of complications of vascular stenting. Dr. Rao further noted that there was some CME available for coronary and carotid stenting. However, those are outside of his scope of practice as an interventional radiologist and are. Dr. Rao explained that the lack of CME availability is based on the lack of consensus around vascular stenting. Finally, Dr. Rao stated that he doesn't actually place that many stents.

Ms. Smith informed the Board, that she filed a motion to accept the consent agreement. The Board's Chief Medical Consultant reviewed the appeal that was filed by Dr. Rao, and recommended in the alternative CME that could be performed, which was treatment of carotid and coronary artery disease. Ms. Smith requested that the Board accept the proposed CME Order in lieu of the previously ordered CME as a resolution to this case.

Dr. Rao inquired if this is a reportable action and if it is non-disciplinary.

Dr. Figge confirmed that this is non-disciplinary and that it is not reportable.

Ms. Bain inquired if this keeps the underlying Advisory Letter in place.

Ms. Smith confirmed that the Advisory Letter is non-appealable.

Dr. Gillard opined that the work that the physician has done to find appropriate CME is enough. Dr. Gillard further opined that the Advisory Letter as written is appropriate and suggested dropping the CME order.

**MOTION: Dr. Beyer moved to accept the settlement offer for a proposed Consent Agreement for Non-Disciplinary Order for CME and rescind the referral to Formal Hearing.**

**SECOND: Ms. Bain.**

Dr. Figge inquired if the Board can drop the signed consent agreement and just accept the Advisory Letter. Dr. Beyer commented that the Board considered this case and found that an Advisory Letter with CME was appropriate and Dr. Rao has found an appropriate alternative. Dr. Beyer opined that there is still value in the proposed CME. Dr. Gillard spoke against the motion since the physician does not perform this procedure. Ms. Bain commented that is why they found the alternative CME course. Dr. Guerrero-Tucker agreed that having CME completed that is not addressing the issue is not needed.

Ms. Smith clarified the proposed CME course.

Ms. Jones spoke against the motion since this is outside the physician's scope of practice.  
**VOTE: The following Board members voted in favor of the motion: Ms. Bain, Dr. Beyer and Dr. Krahn. The following Board members voted against the motion: Dr. Figge, Dr. Artz, Ms. Dorrell, Dr. Farmer, Dr. Gillard, Dr. Guerrero-Tucker and Ms. Jones. The following Board members were absent: Dr. Bethancourt.**

**VOTE: 3-yay, 6-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION FAILED.**

**MOTION: Dr. Gillard moved to rescind the original Order for Non-Disciplinary CME.**

**SECOND: Dr. Guerrero-Tucker.**

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

**VOTE: 6-yay, 3-nay, 0-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

2. MD-21-0630A, GEORGE B. WILSON, M.D., LIC. #46028

The physician and his counsel were not present. Elizabeth Campbell, AAG participated on behalf of the State and Lynette Evans, AAG participated as the Board's Independent Legal Advisor.

Ms. Campbell summarized that in May of 2022, SIRC reviewed this case and recommended a Letter of Reprimand and Probation for 6 months, to complete three hours of CME in the interpretation of abdominal CT Scans. Since this time, the physician has completed in excess of the recommended hours. Ms. Campbell requested that the Board accept the proposed consent agreement for a Letter of Reprimand.

**MOTION: Dr. Gillard moved to accept the settlement offer for a proposed Consent Agreement for a Letter of Reprimand and rescind the referral to Formal Hearing.**

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

## **K. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING SUSPENSION OF TEMPORARY LICENSE PURSUANT TO A.R.S. § 32-1438(B)**

1. MD-24-1084A, VICTOR L. PERRY, M.D., LIC. # TP01591

Dr. Perry was not present.

Board staff summarized that the Board received information that Dr. Perry may not have disclosed an open California Medical Board investigation. Board staff confirmed that there is also a criminal investigation in California, with no charges. Based on concern that Dr. Perry may have been inappropriately licensed by the Board due to his failure to disclose information, Board staff offered an interim consent agreement for a practice restriction. However, Dr. Perry has been non-responsive. Therefore, based on these concerns and staff's inability to reach Dr. Perry Board staff requested the Board consider suspension of his temporary license for failing to comply with minimum licensure requirements.

Dr. Gillard inquired whether the physician can apply for a full license while a temporary license is suspended. Dr. Gillard noted that the pending California investigation would suspend the regular license application process, and asked if there was a mandatory time out before Dr. Perry could reapply for licensure.

Ms. Smith explained that this is just a suspension of the temporary license.

Dr. Guerrero-Tucker inquired whether the physician was aware of the issue yet.

Board staff stated that they have attempted to call and email Dr. Perry and noted that he is also not practicing at his practice location on file.

Dr. Figge clarified that the basis for the suspension is that Dr. Perry was not forthright regarding the pending investigation on the temporary license application.

**MOTION: Dr. Krahn moved to suspend Dr. Perry's temporary license pursuant to A.R.S. § 32-1438(B), as he no longer meets the requirement of A.R.S § 32-1422(A)(6).  
SECOND: Dr. Artz.**

Dr. Beyer inquired whether the physician will have the opportunity to respond if the Board suspends the license.

Ms. Smith confirmed that this is an appealable agency action and that he will have the opportunity to respond.

Dr. Krahn expressed concern that under the circumstances where he did not disclose an investigation, the Board needs to fairly and promptly protect the citizens of Arizona by suspending this temporary license and allow the process to play through. Dr. Figge agreed that if he had disclosed the investigation on the application he never would have gotten the temporary license.

**VOTE: The following Board members voted in favor of the motion: Dr. Figge, Dr. Krahn, Dr. Artz, Ms. Bain, Dr. Beyer, Ms. Dorrell, Dr. Farmer, Dr. Gillard, Dr. Guerrero-Tucker and Ms. Jones. The following Board members were absent: Dr. Bethancourt.  
VOTE: 10-yay, 0-nay, 0-abstain, 0-recuse, 1-absent.  
MOTION PASSED.**

## **CONSENT AGENDA**

### **L. CASES RECOMMENDED FOR DISMISSAL**

**MOTION: Dr. Beyer moved to dismiss item numbers 1-4.**

**SECOND: Dr. Gillard.**

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

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

**MOTION PASSED.**

1. MD-24-0317A, MATTHEW W. RUSSO, M.D., LIC. #52287

Ms. Jones noted that there is a typo in the SIRC report that references another physician.

**RESOLUTION: Dismissed.**

2. MD-22-0516A, SUMIT DEWANJEE, M.D., LIC. #32018

**RESOLUTION: Dismissed.**

3. MD-24-0144A, PAUL A. MCHENRY, M.D., LIC. #47040

Ms. Jones noted that there is a typo in the SIRC report that references another physician.

**RESOLUTION: Dismissed.**

4. MD-23-0584A, ALFONSO C. ROBLES, M.D., LIC. #62772

**RESOLUTION: Dismissed.**

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

**MOTION: Dr. Gillard moved to issue an Advisory Letter in item numbers 3-4, 6-10, and 12-14.**

**SECOND: Ms. Dorrell.**

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

**VOTE: 10-yay, 0-nay, 0(Ms. Jones recused from #3, Dr. Figge recused from #6, 7, and 12)-abstain, 0-recuse, 1-absent.**

**MOTION PASSED.**

1. MD-24-0393A, ANTHONY F. COOK, M.D., LIC. #51284

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

Dr. Gillard commented that it is pretty much the standard of care when somebody presents to the emergency department with a TIA, or something that looks like a stroke, to do a CT and to completely evaluate, and then they are usually admitted. As recommendations when they're admitted, they usually do a MRI with an observation period. Dr. Gillard noted that this did happen during COVID and that the physician had spoken with the family doctor. Dr. Gillard agreed that the best thing would have been to admit the patient but after having the negative CT and negative MRI the patient seemed to be looking better. During COVID, the hospital was not really a safe place to be. Taking all this into consideration, Dr. Gillard opined that this case should be dismissed. Dr. Gillard further noted that this was a malpractice case

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

**SECOND: Dr. Farmer.**

Dr. Artz opined that the physician went above and beyond and got the family practice and neurologist involved and nothing would have changed. Dr. Beyer agreed that the physician did everything that could have reasonably been done at the time and in retrospect should have admitted the patient even if it had not changed the outcome. Dr. Figge agreed with the physician that if he was admitted he was at risk of COVID and the symptoms would have just taken place in the hospital.

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

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

**MOTION PASSED.**

2. MD-23-0992A, BAOAN A. G. LE, M.D., LIC. #36389

Ms. Jones noted that this was a very non-compliant patient who had family with him at every appointment. The patient saw the physician in February 2023, which was when the CT was ordered and a mass discovered in his head. The referral was faxed to neurology but there was nothing in the records on how, when, or if the CT results were discussed with the patient or his family. He had five follow up appointments after the CT results over six months. Ms. Jones noted that the MC stated that it might not have made a difference in the outcome of this patient, who subsequently expired because he had a Glioblastoma. Ms. Jones opined that the physician had a duty to report the results and that CME in communication and medical records is appropriate.

**MOTION: Ms. Jones moved to issue an Advisory Letter and Order for Non-Disciplinary CME for inadequate documentation. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person (virtual) course regarding patient communication; and complete no less than 10 hours of Board staff pre-approved Category I CME in an intensive, in-person (virtual) course regarding medical recordkeeping. 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. Krahn, Dr. Artz, Ms. Bain, Dr. Beyer, Ms. Dorrell, Dr. Farmer, Dr. Gillard, Dr. Guerrero-Tucker and Ms. Jones. The following Board members were absent: Dr. Bethancourt.**

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

**MOTION PASSED.**

3. MD-24-0208A, SHEBA J. SHAH M.D., LIC. #47193

Ms. Jones recused from this case.

**RESOLUTION: Advisory Letter for failing to comply with CSPMP mandatory use requirement. 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.**

4. MD-24-0265A, MICHAEL A. TREIMAN, M.D., LIC. #47566

**RESOLUTION: Advisory Letter or misdiagnosing a patient with vertigo resulting in premature discharge. 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-22-0413A, BRIAN G. LEE, M.D., LIC. #46248

Counsel Richard Kent addressed the Board during the Public Statements portion of the meeting.

Dr. Gillard commented that this was a very sad outcome when you have a CVA after a procedure. Dr. Krahn noted that clinical guidelines typically lag a couple of years behind literature and the Board should rely on its MC. The MC was aware of the date of this procedure and said that the community standard was to do image guided procedure and that this is a particularly delicate area where there isn't a lot of room for error. Dr. Krahn opined that there was quite a robust literature that predated the date of this procedure and spoke in favor of the Advisory Letter.

**MOTION: Dr. Krahn moved to issue an Advisory Letter for substandard performance of an ethmoidectomy and sphenoidotomy. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.**

**SECOND: Dr. Beyer.**

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

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

**MOTION PASSED.**

6. MD-22-1077A, BENIGNO F. DECENA, M.D., LIC. #32303

Dr. Figge recused from this case.

**RESOLUTION: Advisory Letter for performing a cardioversion in a high risk patient with a subtherapeutic INR. 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-23-0050A, BENIGNO F. DECENA, M.D., LIC. #32303

Dr. Figge recused from this case.

**RESOLUTION: Advisory Letter for failure to recognize a retained foreign object. 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.**

8. MD-23-1172A, SAMUEL S. BAILEY, M.D., LIC #41765

**RESOLUTION: Advisory Letter for failing to review and address biopsy results. 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.**

9. MD-23-0841A, MOHAMMED T. ZARA, M.D., LIC. #22548  
Dr. Zara addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Advisory Letter for failing to comply with CSPMP mandatory use requirements and for inadequate supervision of a PA. 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.**

10. MD-23-0983A, SHANNA L. WHITE, M.D., LIC # 66950

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

11. MD-23-1290A, ALBERT P. MARTINEZ, M.D., LIC #19777

Dr. Farmer noted that the complaint was that the anesthetic caused long-term neurologic and cognitive changes in the patient. Dr. Farmer noted that there is extensive and complex literature about neurocognitive changes after anesthesia and surgery. Dr. Farmer agreed with the MC that there is nothing that would connect this anesthetic as a cause specifically or misconduct of the anesthetic as a cause of that neurocognitive decline. That neurocognitive decline could have been coincidence, or it could have been related to surgery. The MC discussed other patient management issues, including a high dose of propofol leading to transient hypotension. Dr. Farmer opined that the per kilo dose of propofol is not as rigid as the MC seemed to think. Dr. Farmer stated that it would be up to the anesthesiologist's interpretation based on the patient's preexisting conditions. It is not always clear from the medical record whether the dose was a divided dose or a complete bolus dose. The medical records do not reflect that the procedure took over four hours and there was a fair amount of opiate given. Dr. Farmer opined that he cannot second guess without having been there. Dr. Farmer expressed concern regarding the management and from the record the patient was extubated with a CO<sub>2</sub> and end tidal in the low sixties, which Dr. Farmer opined was high. Dr. Krahn agreed that the end tidal CO<sub>2</sub> was 62 at the time of extubation, which was concerning. Dr. Krahn and Dr. Farmer agreed that the Advisory Letter language should reflect the CO<sub>2</sub> concerns.

Ms. Smith informed the Board that if the Board issues an Advisory Letter with different language, the licensee should be on notice with regard to the potential issue reflected in the new language. Ms. Smith further noted that the SIRC report cited the MC's concerns regarding the CO<sub>2</sub> issues.

**MOTION: Dr. Farmer moved to issue an Advisory Letter for extubation of a patient with a high end-tidal CO<sub>2</sub>. 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. Krahn.**

Dr. Artz commented that as a surgeon she is not usually aware of what the end tidal CO<sub>2</sub> is for her patients. Some anesthesiologists extubate and the patient is more awake and sometimes they are less awake. Dr. Krahn stated that she was pleased with the concern of the surgeon, anesthesiologist and nurse, that they did admit the patient overnight to watch them. Dr. Artz opined that it was very appropriate when with everything else that they had going on. Dr. Farmer stated that if there had been some note regarding the reason to extubate the patient with that high end tidal CO<sub>2</sub> then it would have been mitigating.

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

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

12. MD-23-0438A, ANDREW M. BRAUNSTEIN, M.D., LIC #47046  
Dr. Figge recused from this case.

**RESOLUTION: Advisory Letter for prescribing a controlled substance without establishing a treating relationship and for failing to maintain medical records. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.**

13. MD-24-0157A, RALPH DROSTEN, M.D., LIC #36894  
Counsel Cody Hall addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Advisory Letter for failing to identify a gastric mass on CT scan. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.**

14. MD-23-0673A, TODD M. RALEIGH, M.D., LIC #66743

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

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

1. MD-22-0922A, A. MICHAEL BADRUDDOJA, M.D., LIC. #34762  
Dr. Figge recused from this case.

**MOTION: Dr. Gillard moved for an Advisory Letter and Order for Non-Disciplinary CME for failing to properly prescribe brand-name Tegretol to patient with drug-resistant epilepsy, failing to timely refer a patient with drug-resistant epilepsy to a tertiary-care epilepsy center, and failing to order lab testing and screen for bone density loss in a patient prescribed Tegretol. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in the treatment of drug resistant seizure disorder. The CME hours shall be in addition to the hours required for license renewal.**

**SECOND: Dr. Artz.**

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

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

**MOTION PASSED.**

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

**MOTION: Dr. Beyer moved to uphold the Executive Director Dismissal in item numbers 1-6.**

**SECOND: Ms. Jones.**

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

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

**MOTION PASSED.**

1. MD-23-1287A, JULIE B. KWATRA, M.D., LIC. #25206

**RESOLUTION: Dismissal upheld.**

2. MD-23-1086A, SCOTT A. PERKINS, M.D., LIC. #20529

**RESOLUTION: Dismissal upheld.**

3. MD-23-0724A, JAMES M. SWAIN, M.D., LIC. #24629

Counsel Megan Gailey addressed the Board during the Public Statements portion of the meeting.

**RESOLUTION: Dismissal upheld.**

4. MD-24-0039A, CHRISTOPHER T. MALONEY, M.D., LIC. #30130

Dr. Artz, Ms. Bain, Dr. Farmer stated that they know the physician but that it would not affect their ability to adjudicated the case.

**RESOLUTION: Dismissal upheld.**

5. MD-22-0975A, SHARON A. KEENE, M.D., LIC. #16135

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

**RESOLUTION: Dismissal upheld.**

6. MD-23-0974A, JASON A. WESLEY, M.D., LIC. #26831

E.D. addressed the Board during the Public Statements portion of the meeting. Dr. Beyer stated that he knows the physician but that it would not affect his ability to adjudicate the case.

**RESOLUTION: Dismissal upheld.**

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

**MOTION:** Dr. Gillard moved to accept the consent agreement in item numbers 1-4.

**SECOND:** Dr. Artz.

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

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

**MOTION PASSED.**

1. MD-23-0420A, RANDALL J. MOORE, M.D., LIC. #17958

**RESOLUTION: Consent Agreement for a Letter of Reprimand and Probation. Within six months, complete no less than 5 hours of Board staff pre-approved Category I CME in the diagnosis and treatment of alcohol use disorder. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the CME coursework.**

2. MD-23-0777A, MD-23-0460A, WENHUI CAI, M.D., LIC. #40751

**RESOLUTION: Consent Agreement for a Letter of Reprimand and Two Year Probation. Within six months, complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, virtual course in controlled substance prescribing; and complete CPEP's medical recordkeeping course. Within thirty days of completing the Board ordered CME, the physician shall enroll into CPEP's personalized implementation program (PIP). The CME hours shall be in addition to the hours required for license renewal. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Cai's**

request for termination shall be accompanied by proof of successful completion of the CME.

3. MD-23-0384A, JOILO C. BARBOSA, M.D., LIC. #41938

**RESOLUTION: Consent Agreement for a Letter of reprimand and Probation. 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 the 5 hours of Board staff pre-approved Category I CME in in the evaluation and treatment of chest pain. The CME hours shall be in addition to the hours required for license renewal. The Probation shall terminate upon proof of successful completion of the CME coursework.**

4. MD-24-0472A, THOMAS R. BRANDT, M.D., LIC. #25293

**RESOLUTION: Consent Agreement for License Reactivation and Letter of Reprimand with Five Year Probation mirroring the contract requirements of the Iowa PHP. Dr. Brandt shall remain in compliance with the Iowa PHP, and periodic reports shall be submitted to the Board regarding the status of his compliance. The Probation shall not terminate except upon affirmative request of the physician and approval by the Board, and Dr. Brandt's request for termination shall be accompanied by a recommendation from his PHP Contractor stating that monitoring is no longer required.**

## **Q. LICENSE APPLICATIONS**

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

1. MD-24-0978A, BETSY A. IZES, M.D., LIC. # N/A

**MOTION: Dr. Gillard moved to grant the license.**

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

### **ii. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING LICENSE APPLICATION AND RECOMMENDED ADVISORY LETTER**

1. MD-24-0926A, LYNN M. KLIMO, M.D., LIC. # N/A

**MOTION: Dr. Krahn moved to grant the license and issue an Advisory Letter for failing to timely renew license and for practicing on an expired license. 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. Gillard.**

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

**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**

1. NORMA VILLEGAS-GALINDO, M.D., LIC. # N/A

Dr. Gillard noted that the physician had training and fellowships and has worked for 13 years. Dr. Gillard opined that this meets the Board's criteria, and the Board's Executive Director recommended to grant the license by endorsement.

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

**SECOND: Dr. Jones.**

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

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

**MOTION PASSED.**

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

1. KEMI A. ALLI, M.D., LIC. # N/A

Dr. Gillard noted that the physician is currently board certified in pediatrics but cannot get documents for a malpractice case back in 2005. Dr. Gillard further noted that the physician has eight state licenses with no actions.

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

**SECOND: Ms. Jones.**

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

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

**MOTION PASSED.**

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

**OTHER BUSINESS**

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

1. MD-17-1171A, HERBERT R. JALOWSKY, M.D., LIC. #13266

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

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

Dr. Gillard noted that the physician has a Practice Limitation and termination would allow the physician to move forward with an application.

**MOTION: Dr. Gillard moved to grant the request for termination of the April 18, 2018 Board Order.**

**SECOND: Dr. Beyer.**

Dr. Gillard reiterated that this allows the physician to move forward with an application. Dr. Krahn noted that this resolves only the Practice Limitation.

Ms. Smith clarified that Dr. Jalowsky entered into this non-disciplinary practice limitation. He then requested Inactivation of his license, which was granted. The Board statutes allow physicians who have inactive licenses to then apply for pro bono licenses. Dr. Jalowsky

had the inactive license, but he also had the active practice limitation on that license when he originally applied for his pro bono. Once the practice limitation is lifted, then he can apply for the pro-bono license.

Ms. McSorley inquired that when and if Dr. Jalowsky applies for the pro-bono registration will this matter need to come before the Board to discuss the issue of time out of practice.

Ms. Smith informed the Board that this application can come before the Board, or the Board can consider modifying the motion to grant the termination contingent upon completion of the proposed course by Dr. Jalowsky.

**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. Beyer.**

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

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

**MOTION PASSED.**

The Board entered into Executive Session at 7:20 p.m.

The Board returned to Open Session at 7:28 p.m.

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

Dr. Guerrero-Tucker commented on the week-long class that the physician has offered to take and opined that it would be a very good way for him to get the newest information since he's been out of practice for a while. Dr. Beyer agreed that this looks like a very good course for someone who has been out of practice.

**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 abstained: Ms. Bain. The following Board members were absent: Dr. Bethancourt.**

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

**MOTION PASSED.**

2. MD-17-0472A, RICHARD A. WALL, M.D., LIC. #10250  
Dr. Krahn recused from this case.

Dr. Gillard commented that the Probation was for five years and it appears that the physician has been in compliance and has completed all the required actions by the Order. The physician is doing telemedicine, and did get approval for that.

**MOTION: Dr. Gillard moved to grant the request for termination of the Board Order.**

**SECOND: Dr. Beyer.**

Ms. Jones commented that the physician was allowed to work in telemedicine, however, if the Board Order is terminated the Board will have no way to verify that he will not treat patients in person. Dr. Figge opined that this is mitigated by the physician's psychiatric team agreeing with termination.

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

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

**MOTION PASSED.**

3. MD-22-0199A, IAN D. BOND, M.D., LIC. #65816

Dr. Gillard commented that there was a consent agreement for five years, retroactive to 2021. The physician has been very compliant, and both Dr. Keene and Dr. Lott are in favor of early termination.

**MOTION: Dr. Gillard moved to grant the request for termination of the November 15, 2018 Board Order.**

**SECOND: Ms. Jones.**

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

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

**MOTION PASSED.**

4. MD-21-0650A, JEREMY M. ALVORD, M.D., LIC. #50936

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

Dr. Gillard commented that this physician is an anesthesiologist and there were problems with diversion. He signed a consent agreement for a Letter of Reprimand and four years of Probation for PHP. Dr. Karp stated that he is in full compliance and is in favor of early termination. Dr. Faria completed a very detailed evaluation and is in favor of early termination as well.

**MOTION: Dr. Gillard moved to grant the request for termination of the April 8, 2022 Board Order.**

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

5. MD-17-0084A, MICHAEL S. MCGRATH, M.D., LIC. #51004

Dr. McGrath and Dr. Farid Rooh addressed the Board during the Public Statements portion of the meeting.

Dr. Artz noted that there was a Letter of Reprimand and Probation, but in the SIRC report there was a recommendation that the probation include a requirement for proctoring of at least 50 open hip procedures and 25 arthroscopic hip procedures. Dr. Artz inquired if that was included in the final order and expressed that the probation was for at least three years and it has been six. Dr. Artz further expressed concern for an orthopedic surgeon who has not operated for six years with no plan to go forward. Dr. Gillard agreed that there has been a considerable amount of time out of surgery, although he has not been out of medicine. Dr. Gillard inquired about a return to practice evaluation. Dr. Gillard stated that the number of proctored cases was in the recommendation not the consent. Dr. Artz further noted that the concern was that he got reprimanded and he was on probation with this hospital because they were concerned about his operative technique, that he wasn't trained well enough, and that he was taking twice as long for anesthesia for a simple orthopedic procedure. Now he's been out for six years and Dr. Artz found it more concerning that the physician responded by not doing any operative cases.

Board staff noted that the recommendation was changed because those stipulations were not included in the order, and explained that could sometimes happen just prior to the Board getting the case if the doctor reports that he was no longer employed or no longer intended to perform surgery. Board staff noted that if the concern is the time out of practice and out of performing orthopedic surgery, then the Board has utilized competency evaluations that are specific to provider's need so that they can create a reentry plan that would guide the Board and let us know what the educational deficiencies are and areas of improvement prior to letting this individual go back to full unrestricted practice

Ms. Smith confirmed that there were negotiations between Board staff and counsel between SIRC and when this consent agreement was signed. Ms. Smith informed the Board that they have the authority in the termination paragraph to determine whether all

the terms and conditions have been met, or whether to take any other action that is consistent with its statutory regulatory authority, including continuing and modifying the order, requiring competency evaluations, based on the facts and evidence available to the Board at the time of the request. Ms. Smith further noted that the order allows the Board to require the Respondent to engage in additional education and or remediation, including practice monitoring, chart reviews, and or requiring him to utilize a proctor for a period of time prior to returning to the unrestricted practice of orthopedic surgery.

Dr. Beyer opined that given the time out of practice, there does need to be sort of an examination, whether it be a formal examination or a practice monitor or proctoring of some sort before he can practice surgically unrestricted. Dr. Farmer agreed that this could be very helpful to him, while at the same time the Board can rest assured that technical qualifications are brought up to speed. Dr. Artz agreed with PACE or CPEP where he is doing a simulation. Dr. Artz agreed with getting him back to being an operative orthopedic surgeon, but safely.

Board staff noted that the usual process when sending a physician for an evaluation is to return that case to SIRC to summarize the recommendations for the Board.

**MOTION: Dr. Gillard moved to return the case for Dr. McGrath to complete a competency evaluation.**

**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, Dr. Guerrero-Tucker and Ms. Jones. The following Board member voted against the motion: Dr. Artz. The following Board members were absent: Dr. Bethancourt.**

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

**MOTION PASSED.**

## **S. GENERAL CALL TO THE PUBLIC**

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

## **T. ADJOURNMENT**

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

**SECOND: Dr. Krahn.**

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

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

**MOTION PASSED.**

The meeting adjourned at 8:03 p.m.



A handwritten signature in black ink that reads "Patricia E. McSorley".

Patricia E. McSorley, Executive Director