



Arizona Medical Board

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FINAL MINUTES FOR SPECIAL TELECONFERENCE MEETING

Held virtually on Wednesday, March 5, 2025
1740 W. Adams St., Board Room 4100 • Phoenix, Arizona

Board Members

Gary R. Figge, M.D., Chair
Bruce A. Bethancourt, M.D., F.A.C.P., Vice-Chair
Laura Dorrell, M.S.N., R.N., Secretary
Katie S. Artz, M.D., M.S.
Jodi A. Bain, M.A., J.D., LL.M.
David C. Beyer, M.D., F.A.C.R., F.A.S.T.R.O.
R. Screven Farmer, M.D.
James M. Gillard, M.D., M.S., F.A.C.E.P., F.A.A.E.M.
Gail Guerrero-Tucker, M.D., M.P.H., F.A.A.F.P., D.A.B.F.M.
Lois E. Krahn, M.D.
Jessyca Leach

GENERAL BUSINESS

A. CALL TO ORDER

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

B. ROLL CALL

The following Board members participated in the teleconference: Chair Figge, Vice-Chair Bethancourt, Ms. Dorrell, Dr. Artz, Ms. Bain, Dr. Beyer, Dr. Farmer, Dr. Gillard, Dr. Guerrero-Tucker, Dr. Krahn and *Ms. Leach.

ALSO PRESENT

The following Board staff participated in the teleconference: Patricia McSorley, Executive Director; Raquel Rivera, Deputy Director; Claude Deschamps, M.D., Chief Medical Consultant; Nicole Samaradellis, Investigations Manager; and Heather Foster, Public Records Coordinator. Carrie Smith, Assistant Attorney General (“AAG”) participated in the teleconference. AAG Elizabeth Campbell, AAG Seth Hargraves, AAG Claudia Collings and AAG Kristin Green also participated in the teleconference. AAG Ben Norris participated in the teleconference to provide independent legal advice.

**Ms. Leach departed from the teleconference during the Public Statements portion of the meeting.*

C. PUBLIC STATEMENTS REGARDING MATTERS LISTED ON THE AGENDA

Individuals that addressed the Board during the Public Statements portion of the teleconference appear beneath the matter(s) referenced.

D. EXECUTIVE DIRECTOR’S REPORT

- Review, Discussion and Possible Action on recommendations regarding proposed rule change for R4-16-707, Emergency and Transfer Provisions

The Board noted that this rule related to anesthesiologists performing office-based surgery to ensure that before participating in the procedure, the health care professional shall receive

instruction on policies and procedures relating to it and shall not use any drug or agent that trigger malignant hypothermia. Executive Director McSorley reported that the JLRC Committee met and had several discussions regarding proposed changes to the rule and the language. The JLRC Committee proposed changing the rule to lift the prohibition from using any drug or agent that may trigger malignant hypothermia with specific protocols in place.

MOTION: Dr. Farmer moved for the Board to approve the proposed rule change for R4-16-707, Emergency and Transfer Provisions.

SECOND: Dr. Gillard

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

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

MOTION PASSED.

- Review, Discussion and Possible Action on recommendations regarding draft Five Year Review Report for Article 6, Disciplinary Action

The Board noted that the aggravating and mitigating factors identified in this Article have worked well for the Board and did not require any changes or update.

- Update and discussion on proposed legislation, including but not limited to:

- SB 1447 health boards; complaints; timelines

Executive Director McSorley updated the Board that this bill was submitted to the House and should be up for consideration in the coming weeks.

- SB 1108 international medical licensees; provisional licenses

Executive Director McSorley reported that amendments have been made to this bill that aligns with the Board's current process when performing equivalency analysis for foreign medical graduates. She reported that the Board has been signed in as opposed to this bill.

- SB 1235 health professional regulatory boards; membership

Executive Director McSorley explained that this bill was an attempt to address the North Carolina Dental Board situation where professional members of that board were considered market participants and some decisions made would be related to their participation in the market or trying to influence the market. Executive Director McSorley stated that she has not seen a similar situation occur with this Board and stated concerns that the Board would be losing some medical knowledge that is needed in order to appropriately adjudicate cases. Executive Director McSorley further reported that all health regulatory boards were called to a meeting by the bill sponsor and it was determined that the number of professional members on the boards would remain the same; however, it was suggested that these individuals would need to hold a current license, but would have to be retired and not currently practicing. Additionally, the bill would require three Executive Directors to oversee the decisions of the boards to ensure that they are not prohibiting or taking market sensitive action.

Board members expressed concern with these proposed changes, noting that the Board's mission is to protect the public by identifying practice that does not meet the standard of care. Dr. Krahn commented that requiring professionals on the Board to be retired would place the Board at high risk for diminishing the medical knowledge relating to cutting edge treatment. Board members also noted the diverse expertise among the professionals on the Board with significant contribution to complex cases. Executive Director McSorley reported that this bill also involved allowing majority vote by the Board to appoint a new member if the Governor fails to appoint someone within one year of the position becoming vacant. The Board noted that at its last meeting, the Executive Director was instructed to lobby for the Board in this matter with a position in opposition of the bill.

- Update on board appointments and confirmation proceedings

Executive Director McSorley stated that she has been following up with the Governor's Office regarding Board appointments and confirmation proceedings. She reported that confirmation proceedings for Dr. Guerrero-Tucker and Ms. Leach are moving forward. She stated that she will continue to follow up with the Governor's Office regarding members that have been appointed but have yet to be confirmed.

E. CHAIR'S REPORT

F. LEGAL ADVISOR'S REPORT

- Update on *Dworkin v. Arizona Medical Board*, LC2024-000429

AAG Campbell informed the Board that there was no status change in this case. She stated they will continue to update the Board as things progress. The Board noted that AAG Campbell has accepted an appointment as Commissioner with the Superior Court and thanked her for the time she worked with the Board. AAG Campbell stated that she enjoyed her time here and that it has been an honor to work with this Board.

- Update on *Charles E. Kelly II, M.D. v. State of Arizona, et al.* United States District Court Case No. 2:25-cv-00513

AAG Claudia Collings and AAG Kristin Green participated in the teleconference during the Board's consideration of this matter.

MOTION: Dr. Beyer moved for the Board to enter into Executive Session pursuant to A.R.S. §§ 32-431.03(A)(3) and (4) to discuss or consult with its attorneys in order to consider its position and instruct its attorneys regarding its position in pending litigation.

SECOND: Dr. Krahn

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

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

MOTION PASSED.

The Board entered into Executive Session at 8:07 p.m.

The Board returned to Open Session at 8:26 p.m.

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

G. DISCUSSION REGARDING DEBRIEFING ON BOARD PROCESSES

- Review and Discuss the Board Staff Investigational Review Committee ("SIRC") Process.

Board members discussed the makeup of SIRC and noted that the voting members included one medical consultant and two members of the executive staff. Board staff clarified that other staff participate in the SIRC meetings as non-voting members, including the Legal Advisor as well as Investigators and Internal Medical Consultants. The Board questioned whether the other meeting participants should be included in the votes and recommendations. The Board instructed staff to document all members present at the SIRC meetings going forward. Board staff clarified that having non-voting staff members participate in the SIRC meetings has helped to further train them on the Board's processes. Board members expressed their appreciation for the SIRC reports and the Committee's efforts.

H. APPROVAL OF MINUTES

LEGAL MATTERS

I. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION ON THE ADMINISTRATIVE LAW JUDGE'S ("ALJ's") RECOMMENDED DECISION.

1. MD-18-0864A, DAVID H. PAYNE, M.D., LIC. #47404

Dr. Payne was not present during the Board's consideration of this matter. AAG Campbell participated on behalf of the State. Board members indicated that they received and reviewed the administrative record in this matter.

AAG Campbell asked the Board to adopt and modify the ALJ's Recommended Decision by including assessment of hearing costs. The Board also discussed modifying Findings of Fact #11 to replace "1 USC" with "18 U.S.C." to correctly reflect the statutes of which the physician was found to have violated. The Board noted the same correction was needed to Conclusions of Law on paragraph six on page five.

MOTION: Dr. Krahn moved for the Board to adopt the ALJ's recommended Findings of Fact as modified by the State.

SECOND: Vice-Chair Bethancourt

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

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

MOTION: Dr. Gillard moved for the Board to adopt the ALJ's recommended Conclusions of Law as modified.

SECOND: Vice-Chair Bethancourt

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

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

MOTION: Dr. Beyer moved for the Board to adopt and modify the ALJ's recommended Order for Revocation of Licensure to include assessment of hearing costs.

SECOND: Dr. Krahn

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

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

2. MD-24-1076A, CHARLES E. KELLY, M.D., LIC. #42668

Dr. Kelly was not present during the Board's consideration of this matter. AAG Hargraves participated on behalf of the State. AAG Ben Norris participated to provide independent legal advice. Board members indicated that they received and reviewed the administrative record in this matter.

The Board observed that Dr. Kelly was noncompliant with his August 2024 Board Order, which resulted in the Board summarily suspending the license and the matter was referred to the ALJ for Formal Hearing. The Board noted that the ALJ recommended upholding the summary suspension and revoking the license.

AAG Hargraves requested the Board adopt the ALJ's recommended decision with the following modifications:

1. Findings of Fact #14A; add "counsel" between "2024" and "informed" on line eight of page four.
2. Findings of Fact #14F; replace "respondents to" with "to the respondent".

3. Findings of Fact #14H; replace "issued" with "offered".
4. Order; include assessment of Formal Hearing costs to be paid within 90 days.
5. Findings of Fact on page 3, paragraph 5; add "meeting" after "2024".

MOTION: Dr. Krahn moved to adopt the ALJ's recommended Findings of Fact as modified by the State.

SECOND: Dr. Gillard

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

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

MOTION: Dr. Beyer moved for the Board to adopt the ALJ's recommended Conclusions of Law.

SECOND: Dr. Artz

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

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

MOTION: Dr. Krahn moved for the Board to adopt and modify the ALJ's recommended Order for Revocation of Licensure to assess hearing costs.

SECOND: Vice-Chair Bethancourt

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

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

3. MD-23-0341A, LINDA L. AUSTIN, M.D., LIC. #21329

Dr. Austin was not present during the Board's consideration of this matter. AAG Campbell participated on behalf of the State. AAG Norris participated to provide independent legal advice. Board members indicated that they received and reviewed the administrative record in this matter.

AAG Campbell requested the Board adopt the ALJ's Recommended Findings of Fact and Conclusions of Law and Order with the following modifications:

1. Finding of Fact #3; the June dates should reflect "2022" and not "2021"
2. Include the assessment of hearing costs in the Order

MOTION: Vice-Chair Bethancourt moved for the Board to adopt the ALJ's recommended Findings of Fact as modified by the State.

SECOND: Dr. Artz

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

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

MOTION: Dr. Krahn moved for the Board to adopt the ALJ's recommended Conclusions of Law.

SECOND: Vice-Chair Bethancourt

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

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

MOTION: Vice-Chair Bethancourt moved for the Board to adopt and modify the ALJ's Recommended Order for Revocation of Licensure to assess hearing costs.

SECOND: Dr. Artz

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

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

The Board tabled the meeting at 6:15 p.m. and reconvened at 6:58 p.m.

CONSENT AGENDA

J. CASES RECOMMENDED FOR DISMISSAL

MOTION: Vice-Chair Bethancourt moved for the Board to dismiss item numbers 1 and 2.

SECOND: Dr. Gillard

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

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

1. MD-23-1273A, DAVID J. KAPLAN, M.D., LIC. #44477

Attorney Andrew Plattner addressed the Board during the Public Statements portion of the teleconference on behalf of the physician.

RESOLUTION: Dismiss.

2. MD-23-1281A BASHAR J. MARKABAWI, M.D., LIC. #30760

RESOLUTION: Dismiss.

K. CASES RECOMMENDED FOR ADVISORY LETTERS

MOTION: Vice-Chair Bethancourt moved for the Board to issue an Advisory Letter in item numbers 3-14.

SECOND: Dr. Krahn

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

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

1. MD-23-1102A, NIDA K. LAURIN, M.D., LIC. 35284

Dr. Laurin and Attorney Margaret Dean addressed the Board during the Public Statements portion of the teleconference.

Dr. Krahn noted that this was a complicated case and spoke in favor of returning for further investigation to obtain a new quality of care review. Krahn pulled this one. Dr. Guerrero-Tucker recommended obtaining review by a neurologist that specializes in MS.

MOTION: Dr. Krahn moved from the Board to return this case for further investigation to obtain a second quality of care review by a new Medical Consultant.

SECOND: Vice-Chair Bethancourt

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

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

2. MD-23-1124A, GREGORY K. KOURY, M.D., LIC. 58626

Dr. Guerrero-Tucker spoke in favor of requiring the physician to complete CME in ready x-rays. She noted that Dr. Koury is a family medicine physician practicing in a rural area where they might not be able to get a radiologist to read the film right away.

MOTION: Dr. Guerrero-Tucker moved for the Board to issue an Advisory Letter and Non-Disciplinary CME Order 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 3 hours of Board staff pre-approved Category I CME in abdominal imaging. The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Krahn

Dr. Guerrero-Tucker stated that this patient was high risk for small bowel obstruction due to previous abdominal surgery and that the fluid levels should have been caught by the physician, which she believed would have changed the course of treatment.

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

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

3. MD-24-0711A, CHRISTINE A. STOSKOPF, M.D., LIC. 14664

RESOLUTION: Issue an Advisory Letter for failing to timely renew license and for practicing on an expired license. There is insufficient evidence to support disciplinary action.

4. MD-24-1050A, MITCH M.A. FREEMAN, M.D., LIC. 27545

RESOLUTION: Issue an Advisory Letter for committing a felony. 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-24-0675A, HASSAN B. SEMAAN, M.D., LIC. 34908

RESOLUTION: Issue an Advisory Letter for failing to identify and report increased brain edema and mass effect on a 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.

6. MD-24-0383A, KIRITKUMAR H. BHALANI, M.D., LIC. 21653

RESOLUTION: Issue an Advisory Letter for action taken by the West Virginia Board of Medicine. 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.

7. MD-24-0609A, COLIN F. COOR, M.D., LIC. 51442

RESOLUTION: Issue an Advisory Letter for inadequate collaboration with a physician assistant. 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-24-0563B, NICHOLAS D. HARREL, M.D., LIC. 49196

RESOLUTION: Issue an Advisory Letter for failure to timely recognize and inform the patient of an intraoperative complication and for untimely and inadequate documentation. While there is insufficient evidence to support disciplinary action, the board believes that continuation of the activities that led to the investigation may result in further board action against the licensee.

9. MD-24-0524B, DARYL P. BEABEAU, M.D., LIC. 12685

RESOLUTION: Issue an Advisory Letter for failing to diagnose a misplaced central line catheter. 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-24-0300A, MANISH KHANNA, M.D., LIC. 60049

Dr. Khanna addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Issue an Advisory Letter for inadequate supervision of a PA resulting in misdiagnosis of chronic sinusitis and unnecessary treatment. 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-24-0864A, ROBERT L. APTER, M.D., LIC. 44057

Dr. Apter addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Issue an Advisory Letter for failing to timely comply with a Board Order and for failing to furnish information in a timely manner to the Board. 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.

12. MD-23-0132A, KIRK D. MINKUS, M.D., LIC. 33081

Dr. Minkus addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Issue an 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.

13. MD-24-0329A, ROBERT J. GOODWILL, M.D., LIC. 58247

RESOLUTION: Issue an 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.

14. MD-24-0451A, WIN TOE, M.D., LIC. 40290

RESOLUTION: Issue an Advisory Letter for inappropriate interactions with female coworkers. While the licensee has demonstrated substantial compliance through rehabilitation or remediation that has mitigated the need for disciplinary action.

L. CASES RECOMMENDED FOR ADVISORY LETTERS WITH NON-DISCIPLINARY CONTINUING MEDICAL EDUCATION (“CME”) ORDERS

MOTION: Dr. Krahn moved for the Board to issue an Advisory Letter with Non-Disciplinary CME Order in item numbers 1, 2, 4, 5 and 7.

SECOND:

OTE: The following Board members voted in favor of the motion: Chair Figge, Vice-Chair Bethancourt, Ms. Dorrell, Dr. Artz, Ms. Bain, Dr. Beyer, Dr. Farmer, Dr. Gillard, Dr. Guerrero-Tucker and Dr. Krahn. The following Board member was absent: Ms. Leach.

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

MOTION PASSED.

1. MD-24-0563A, ROB F. SCHUSTER, M.D., LIC. #35558

Dr. Schuster addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Issue an Advisory Letter with Non-Disciplinary CME Order for lack of clinical judgment, for failing to obtain informed consent, and inadequate documentation. While there is insufficient evidence to support disciplinary action, the board believes that the 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 evaluation and surgical management of ventral and inguinal hernias; and complete no less than 2 hours of Board staff pre-approved Category I CME in informed consent. The CME hours shall be in addition to the hours required for license renewal.

2. MD-24-0440A, BABAK RASHIDI, M.D., LIC. # 33980

RESOLUTION: Issue an Advisory Letter with Non-Disciplinary CME Order 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, virtual course regarding medical recordkeeping. The CME hours shall be in addition to the hours required for license renewal.

3. MD-24-0200A, MANINDER S. KAHLON, M.D., LIC. #23074

Attorney Fred Cummings addressed the Board during the Public Statements portion of the teleconference on behalf of the physician.

Dr. Gillard noted that the issue identified in this case related to medical record documentation and that the physician has since completed CME in medical recordkeeping. He spoke in support of issuing an Advisory Letter only to resolve this matter.

MOTION: Dr. Gillard moved for the Board to issue an Advisory Letter for failing to timely restart Parkinson's medication 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. Krahn

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

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

MOTION PASSED.

4. MD-23-0216A, JASON W. CHIRICHIGNO, M.D., LIC. #61746

RESOLUTION: Issue an Advisory Letter with Non-Disciplinary CME Order for failing to refer a high-risk patient with suspected metabolic acidosis to the emergency department for diagnostic testing and treatment. 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 the management of complications of type 2 diabetes. The CME hours shall be in addition to the hours required for license renewal.

5. MD-24-0191A, SANDRA L. LEVITT, M.D., LIC. #23910

RESOLUTION: Issue an Advisory Letter with Non-Disciplinary CME Order for failing to timely refer a patient with severe anemia to a higher level of care. While there is insufficient evidence to support disciplinary action, the board believes that 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 the management and treatment of anemia. The CME hours shall be in addition to the hours required for license renewal.

6. MD-23-0671A, KAMAL E. MOUKABARY, M.D., LIC. #25067

Dr. Farmer stated that he knew Dr. Moukabary professionally, but it would not affect his ability to adjudicate the case. Dr. Moukabary addressed the Board during the Public Statements portion of the teleconference.

Dr. Farmer expressed significant concerns regarding the specialty review of the case, stating that there were extraordinary claims made by the reviewer that were not supported by the record. Dr. Farmer stated that dental damage during airway management is a common and very recognized complication. He commended the physician for demonstrating maturity and judgment by stopping and regrouping rather than repeated attempts to secure the airway which could have resulted in a worse outcome. Dr. Farmer stated that he found the care in this case to be appropriate and spoke in support of dismissal. Dr. Farmer noted that there were concerns raised regarding documentation and stated this was a result of the physician managing a difficult airway and focusing on the patient.

**MOTION: Dr. Farmer moved for dismissal.
SECOND: Vice-Chair Bethancourt**

Dr. Gillard spoke against the motion and stated concerns regarding the handling of the damaged tooth. He stated that dental injuries require immediate reimplantation and suggested requiring completion of CME in dental injuries. Dr. Guerrero-Tucker stated that some of the issues identified in this case related to systems issues at the surgery center and expressed concern regarding the surgery center's process for managing dental injuries. Chair Figge stated that there should be some protocol in place as these injuries are not uncommon.

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

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

MOTION PASSED.

7. MD-24-0683A, SCOTT F. ALEXANDER, M.D., LIC. #16316

RESOLUTION: Issue an Advisory Letter with Non-Disciplinary CME Order for inadequate medical records, for excessive administration of lidocaine, and for excessive prescribing of prophylactic antibiotics. 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, virtual course regarding medical recordkeeping; and complete no less than 4 hours of Board staff pre-approved

Category I CME in the safe administration of local anesthetic including lidocaine.
The CME hours shall be in addition to the hours required for license renewal.

M. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

MOTION: Dr. Krahn moved for the Board to uphold the dismissal in item numbers 1-3.

SECOND: Dr. Gillard

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

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

MOTION PASSED.

1. MD-24-0289A, ANDREW M. BRAUNSTEIN, M.D., LIC. #

Chair Figge stated that he knew Dr. Braunstein professionally, but it would not affect his ability to adjudicate the case. Complainant JB addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Uphold dismissal.

2. MD-24-0374A, PINA P. SHAH, M.D., LIC. #26920

Complainant BP addressed the Board during the Public Statements portion of the teleconference. Attorney Callie Maxwell addressed the Board during the Public Statements on behalf of the physician.

RESOLUTION: Uphold dismissal.

3. MD-23-0872A, EDWARD J. DOHRING, M.D., LIC. #21817

RESOLUTION: Uphold dismissal.

N. PROPOSED CONSENT AGREEMENTS (Disciplinary)

1. MD-24-0436A, LINDSAY A. REGALI, M.D., LIC. #67946

Attorney Melissa Cuddington addressed the Board during the Public Statements portion of the meeting on behalf of the physician.

MOTION: Dr. Gillard moved for the Board to accept the proposed Consent Agreement for Surrender of Licensure.

SECOND: Dr. Artz

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

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

MOTION PASSED.

O. LICENSE APPLICATIONS

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

1. MD-25-0126A, FRED M. TOW, M.D., LIC. # N/A

Dr. Gillard observed that Dr. Tow disclosed prior malpractice cases on his license application and that the Executive Director recommended granting licensure.

MOTION: Dr. Gillard moved for the Board to grant licensure.

SECOND: Vice-Chair Bethancourt

VOTE: The following Board members voted in favor of the motion: Chair Figge, Vice-Chair Bethancourt, Ms. Dorrell, Dr. Artz, Dr. Beyer, Dr. Farmer, Dr. Gillard, Dr. Guerrero-Tucker and Dr. Krahn. The following Board member abstained: Ms. Bain. The following Board member was absent: Ms. Leach.
VOTE: 9-yay, 0-nay, 1-astain, 0-recuse, 1-absent.
MOTION PASSED.

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

MOTION: Dr. Gillard moved for the Board to grant the request for waiver of documentation requirement in item numbers 1 and 2.

SECOND: Dr. Krahn

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

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

MOTION PASSED.

1. HENRY C. HUNG, M.D., LIC. # N/A

RESOLUTION: Grant request for waiver of documentation requirement.

2. ALTHEA J. JACKSON THOMAS, M.D., LIC. # N/A

Dr. Jackson addressed the Board during the Public Statements portion of the teleconference.

RESOLUTION: Grant request for waiver of documentation requirement.

OTHER BUSINESS

P. REQUEST FOR TERMINATION OF BOARD ORDER

1. MD-22-0839A, SCOTT A. HEAVENS, M.D., LIC. #33035

Dr. Heavens and Attorney Flynn Carey addressed the Board during the Public Statements portion of the teleconference.

Dr. Gillard spoke in support of granting the request to terminate the Order noting support from the monitoring program as well as the physician's 36 months of sobriety.

MOTION: Dr. Gillard moved for the Board to grant the request to terminate the Order.

SECOND: Dr. Artz

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

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

MOTION PASSED.

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

Dr. Beyer stated that he knew Dr. Kaye professionally, but it would not affect his ability to adjudicate the case. Dr. Kaye and Attorney Andrew Plattner addressed the Board during the Public Statements of the teleconference.

Dr. Gillard spoke in support of accepting the completed CME and terminating the Order.

MOTION: Dr. Gillard moved for the Board to grant the request to terminate the Order.

SECOND: Dr. Krahn

Chair Figge spoke in favor of the motion and recognized the physician's efforts to comply with the Board's Order.

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

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

Q. GENERAL CALL TO THE PUBLIC

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

R. ADJOURNMENT

MOTION: Dr. Gillard moved for adjournment.

SECOND: Vice-Chair Bethancourt

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

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

The teleconference adjourned at 8:41 p.m.



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

Patricia E. McSorley, Executive Director