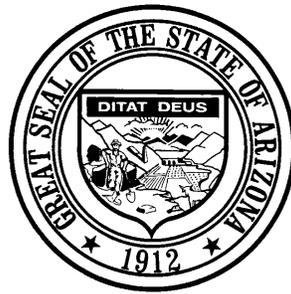


# ARIZONA MEDICAL BOARD

## FISCAL YEAR 2006-2007 ANNUAL REPORT



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**TABLE OF CONTENTS**

**Letter to the Governor, Janet Napolitano ..... Page 2**

.

**ARIZONA MEDICAL BOARD**

**Board Membership ..... Pages 3-6**

**Board Accomplishments..... Page 7**

**Licensing ..... Page 8**

**Regulation ..... Pages 9-10**

# LETTER TO THE GOVERNOR

## JANET NAPOLITANO

### Governor

Janet Napolitano

### Members of the Arizona Medical Board

**William R. Martin, III, M.D.**  
Chair/Physician Member

**Douglas D. Lee, M.D.**  
Vice Chair/Physician Member

**Dona Pardo, Ph.D., R.N.**  
Secretary/Public Member/R.N.

**Patrick N. Connell, M.D., FACEP**  
Physician Member

**Dan Eckstrom**  
Public Member

**Robert P. Goldfarb, M.D., FACS**  
Physician Member

**Patricia R. J. Griffen**  
Public Member

**Ram R. Krishna, M.D.**  
Physician Member

**Lorraine L. Mackstaller, M.D.**  
Physician Member

**Paul M. Petelin, Sr., M.D.**  
Physician Member

**Germaine Proulx**  
Public Member

**Amy J. Schneider, M.D., FACOG**  
Physician Member

### Executive Staff

**Timothy C. Miller, J.D.**  
Executive Director

**Amanda J. Diehl, M.P.A., C.P.M.**  
Deputy Executive Director

**Roger Downey**  
Media Relations Officer

**D**ear Governor Napolitano:

On behalf of the Arizona Medical Board, I submit to you our 2007 Annual Report.

Last year, we reported the tremendous improvement we had made in redesigning our investigative/adjudicative process and our licensing process. The results were a spectacular success with the Board meeting all of its performance measures for the entire year.

The Board is now turning its attention outward, toward the community. During this past year, the Board has developed guidelines for pain management and a Substantive Policy for Internet Prescribing.

For the upcoming year, the Board will continue its involvement in providing guidance to the community and working with the community. Just a few of the projects the Board is working on include: the implementation of Office-Based Surgery Rules; guidelines for physicians on complimentary and alternative medicine; recommendations for physicians on the supervision of physician assistants; and development of a program with the Arizona Partnership for Implementing Patient Safety (APIPS) and Health-e Connections.

We believe these new rules, guidelines and the substantive policy statement will enhance patient safety, while helping physicians understand what the Arizona Medical Board expects.

Sincerely,



Timothy C. Miller  
Executive Director

## ARIZONA MEDICAL BOARD MEMBERSHIP

**William R. Martin, III, M.D.**, the Board's Chair, is a Board-certified Orthopedic Surgeon at Copper State Orthopedics, Ltd., Phoenix, Arizona. In addition to his busy private practice, he helps to provide Orthopedic services for Children's Rehabilitative Services (CRS), and for the poor and the medically indigent populations both in the inner city and on Native American Indian Reservations. Dr. Martin is also the medical director of Urgent Care+, LLC, Phoenix, Arizona.



Dr. Martin is a member of the American Academy of Orthopaedic Surgeons (AAOS) and has a dual appointment on the Academy's Diversity Advisory Board and on the Council on Advocacy.

Dr. Martin is a lifetime member of the National Association for the Advancement of Colored People. He is a member of the American Medical Association, the Arizona Medical Association, and the Arizona Orthopaedic Association. Dr. Martin received his medical degree from Loyola University of Chicago in Maywood, Illinois.

**Douglas D. Lee, M.D.**, the Board's Vice-Chair, is a Board-certified Anesthesiologist practicing in Flagstaff, Arizona. He graduated from the University of Arizona School of Medicine, completed an internship at the National Naval Medical Center in Bethesda, Maryland and a residency at the Naval Regional Medical Center in San Diego, California. From 1980 to 1981, Dr. Lee was a United States Marine General Medical Officer in Okinawa, Japan, and he was also a reservist called to serve in the Desert Shield/Desert Storm 1<sup>st</sup> Marine Division from 1990 to 1991.



In addition to his professional experience, Dr. Lee is a member of the Arizona Society of Anesthesiologists and a member of the American Board of Anesthesiologists. He previously served as the Chairman of Anesthesia for the Flagstaff Medical Center (FMC), President of the FMC Medical Staff, and President of the Arizona Society of Anesthesiologists. He currently serves as a Staff Anesthesiologist at FMC and Managing Partner of Forest County Anesthesia, PC. He is also a Board Member of the FMC Ambulatory Surgery Center and a member of the FMC Credentials Committee.

**Dona Pardo, R.N., Ph.D.**, the Board's Secretary, is a public member and a registered nurse. Dr. Pardo has over 30 years experience in nurse education and has taught in diploma, associate degree, baccalaureate degree and continuing education programs. She recently retired from the University of Arizona after 21 years of service during which she taught baccalaureate nursing students, headed the Continuing Education program in the College of Nursing, and just prior to retirement was the Administrator Continuing Education for the Arizona Health Sciences Center. In that post, she was responsible for Continuing Education for physicians and nurses.



Dr. Pardo is 2nd Vice-President of the Board of Directors for Compass Healthcare, and founding Foundation Director and current Treasurer for Tucson Nurses Week Foundation.

Dr. Pardo earned her master's degree in nursing from the University of Texas Health Sciences Center at San Antonio and holds a doctorate in higher education from the University of Arizona.

## ARIZONA MEDICAL BOARD MEMBERSHIP

**Patrick N. Connell, M.D.**, has recently retired from an active urban emergency department practice. He currently is working part time in the Pediatric Emergency Department at Maricopa Medical Center, and as a volunteer physician in Central America. Dr. Connell has worked with the American College of Emergency Physicians as a member of their Practice Management Committee and assisted in policy development for the College. He is a past president of the Arizona College of Emergency Physicians and has served on their Board for ten years. Dr. Connell has been a Fellow of the American College of Emergency Physicians since 1983.



Dr. Connell received his medical degree at the University of Arizona and performed his residency in surgery at University Hospital in Tucson.

**Dan Eckstrom**, a public member of the Board, is the President of DWE Management Consultants, Inc. in Tucson. He is a former Pima County Supervisor who served the citizens of District 3 for 15 years. He stepped down from that post in 2003.



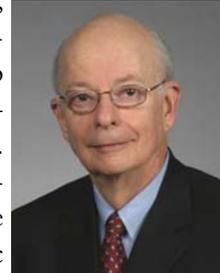
Before his success at the county level, Mr. Eckstrom was first elected to the South Tucson City Council in 1971 at the age of 23. At the time, he was one of the younger elected officials in Arizona. He also served as the city's mayor.

Mr. Eckstrom is active in the community. He is the organizer/conference moderator of "Strengthening Arizona Families through Faith-Based and Community Initiatives Conference"; the founder/member of Meth Free Alliance; a board member of the Pima County Workforce

Investment Board Faith Based Subcommittee; a member of the C-Path Institute National Advisory Board; and a member of the United States Army Reserves.

Mr. Eckstrom has a Bachelor of Arts Degree in Government from the University of Arizona in Tucson.

**Robert P. Goldfarb, M.D., FACS**, graduated from Tulane University, School of Medicine and practices in a Tucson, Arizona Neurosurgery-Neurology specialty group practice and serves as President of the group practice. Dr. Goldfarb also is the Neurosurgical Consultant to the University of Arizona Athletic Teams and is a Clinical Associate Professor in the Department of Surgery, College of Medicine at the University of Arizona.



Dr. Goldfarb completed his Internship at Michael Reese Hospital and Medical Center in Chicago and his Residency in Neurological Surgery at the University of Illinois Hospitals and Presbyterian-St. Luke's Hospital in Chicago. He is certified by the American Board of Neurological Surgery and is a Fellow of the American College of Surgeons. He has previously served as Chief of the Medical Staff at Tucson Medical Center and is currently a Member of the Board of Trustees at El Dorado Hospital and a member of several professional societies including the American Association of Neurological Surgeons (Harvey Cushing Society), Congress of Neurological Surgeons, American Medical Association, North American Spine Society, Arizona Medical Association, and the Pima County Medical Society.

## ARIZONA MEDICAL BOARD MEMBERSHIP

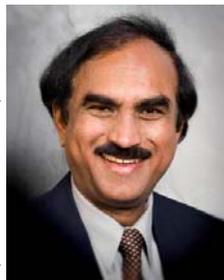
**Patricia R. J. Griffen**, a public member of the Board, is the founding Executive Director of Against Abuse, Inc., established in October 1981 to provide domestic violence and child abuse shelter services to the citizens of Pinal County. She received her Bachelor of Science Degree in Social Administration from the University of Arizona.



Ms. Griffen has more than 35 years experience in the field of private, non-profit management. This includes her role as a founding member of Arizona Coalition Against Domestic Violence and formerly serving as a member of the organization's Board of Directors. She is a state and local speaker on a wide range of domestic violence and child abuse issues.

Ms. Griffen is currently the secretary of the Pinal County Victim Compensation Program, the Chair of the City of Casa Grande Personnel Advisory Board, and the Chair of the Desert Pavilion Advisory Board.

**Ram R. Krishna, M.D.**, is an orthopedic surgeon who is currently in private practice in Yuma and was formerly the chief of surgery at Yuma Regional Medical Center. Dr. Krishna served as chair of the Yuma Regional Medical Center Board of Trustees and as president of the Yuma County Medical Society. Currently, he is a member of the Arizona Orthopedic Society and the Arizona Medical Association. Dr. Krishna was awarded the Arizona Medical Association's Distinguished Service Award in 2000 for his exceptional work in the community.



Dr. Krishna has been elected to serve as the representative of the Federation of State Medical

Boards on the Board of Directors for the Educational Commission for Foreign Medical Graduates.

He obtained his medical degree from Bangalore University Medical College in Bangalore, India. He did his internship, a one-year residency in general surgery and a four-year residency in orthopedics at the University of Massachusetts Medical Center.

**Lorraine Mackstaller, M.D.**, began her medical career as a Registered Nurse at St. Joseph's Hospital in Phoenix, and then thirty years later earned her M.D. at the University of Arizona in Tucson. She performed her residency in internal medicine at the University of Arizona and is currently on staff at the Sarver Heart Center in Tucson. She is Board certified in internal medicine and specializes in cardiovascular disease.



Dr. Mackstaller has served on the Board of the American Heart Association, the Sarver Heart Center Advisory Board, the University Heart Center Board, the National Scientific Internal Medicine/Family Practice Advisory Board, the Hilton Head Health Institute, and the Arizona Commission on Women's Health.

Dr. Mackstaller has taught classes at the University of Arizona College of Medicine, lectured on women's health and heart issues, and authored numerous medical journal articles. In 2003, Dr. Mackstaller received the Patients' Choice Award from the University Medical Center in Tucson.

## ARIZONA MEDICAL BOARD MEMBERSHIP

**Paul M. Petelin, Sr., M.D.**, is a Board-certified surgeon in private practice in Phoenix. He received his medical degree from Creighton University School of Medicine in Omaha, Nebraska, and has a Bachelor's Degree in Chemistry from Gonzaga University in Spokane, Washington. Dr. Petelin completed his internship and residency at St. Joseph's Hospital and Maricopa Medical Center in Phoenix.



From 1984 to 1988 and again from 2000 to 2004, Dr. Petelin was Chief of Surgery at St. Joseph's Hospital. He is in his second term as governor of the State of Arizona American College of Surgeons. He is a member of the Board of Directors of the Phoenix Surgical Society, and is a past president of that organization. He also serves on the Board of Directors of the Arizona Medical Association.

**Germaine Proulx**, a public member of the Board, is a certified Pharmacy Technician who lives in Sedona with her family. She has been very involved in her community since she and her husband moved there in 1977.



Mrs. Proulx has served on the Board of Directors for the Sedona Adult Community Center and helped establish the Meals on Wheels program. She has served as President of the West Sedona PTA and as a Girl Scout leader. She has been a member of the Parish Council at St. John Vianney Catholic Church where she is on the Finance Committee. She has also served on the Joint Legislative Committee on Hunger.

Mrs. Proulx is a graduate of Scottsdale High School and attended Northern Arizona University in Flagstaff.

**Amy J. Schneider, M.D., FACOG**, is a Board-certified Obstetrician-Gynecologist in Tucson where she is the Medical Director and Partner in Grace Maternity & Women's Health. She has held an Arizona medical license since 2001.



Dr. Schneider received her medical degree from Tulane University School of Medicine in New Orleans in 1997. She did her internship and residency at the Department of Obstetrics and Gynecology at the University of Arizona Health Sciences Center in Tucson. She earned her Bachelor of Science Degree from the University of Oregon.

Dr. Schneider is a member of the Physicians Leadership Group at Northwest Hospital in Tucson and a member of the Tucson Society of Women Physicians.

## BOARD ACCOMPLISHMENTS

The Arizona Medical Board reached a “tipping point” at the beginning of the fiscal year, bringing under control the internal issues that had allowed a build-up of cases and lengthy investigations. That progress allowed the Board to focus on external issues that confront patients and the medical community.

At its September 2006 Offsite Strategy Meeting, the Board made a series of recommendations relating to physician supervision of physician assistants.

Response to this led to the formation of a subcommittee of the Arizona Regulatory Board of Physician Assistants that began work on updating the rules for PA supervision. The PA Board will consider the Subcommittee’s Supervision Draft Rules at its August 2007 meeting.

Once approved, the two Boards will harmonize their positions on physician supervision of physician assistants.

In December 2006, the Board approved a Substantive Policy Statement (SPS) to provide guidance to and educate physicians on the law regarding Internet Prescribing.

In its policy statement, the Board states that on-line questionnaires do not meet the legal requirement for an established doctor-patient relationship prior to prescribing.

The SPS explains the standard of care required when prescribing drugs or medical devices; recognizes the law regarding prescribing; identifies Internet prescribing and the problems associated with it; distinguishes Internet prescribing from e-Prescribing and Telemedicine; and concludes with the Board’s

position on the requirement to properly establish a physician-patient relationship prior to issuing a prescription. Physicians establish their relationships with patients by obtaining an accurate and thorough medical history and conducting a physical examination.

Growing concern about the under treatment of chronic pain led the Board to approve amended Pain Management Guidelines for physicians that also apply to physician assistants.

The purpose of the guidelines is to create an environment in which physicians are encouraged to administer controlled substances in the course of treating chronic pain without fear of disciplinary action when such treatment is provided within the accepted community standard of care.

And, at its June 2007 meeting, the Board adopted the amended Office-Based Surgery Draft Rules that now proceed through the final rule approval process.

A Board subcommittee began working with stakeholders on these rules for physicians who perform surgical procedures involving conscious sedation in their offices in 2005.

# LICENSING

The Arizona Medical Board now has nearly 19,000 physicians licensed to practice medicine; as many as 11,000 have Arizona office addresses.

The then-Arizona Board of Medical Examiners began licensing medical doctors in 1903, nine years before Arizona became a state. The Board issued certificates to practice medicine and surgery to 198 physicians the first year, charging them a licensure fee of \$2.00.

The Board kept its licensure records in *The Great Register*, writing in the names of licensees as they were approved.

By 1936, when the Board printed its first Medical Directory, there were 619 licensees—420 of them practicing within the state.

Times have changed, and so have fees and records. Information on licensed physicians

is maintained in databases in the Board's computer system. The \$500 biannual licensure fee supports the Arizona Medical Board's licensing, investigative, and administrative functions.

The Board conducts primary source verifications on educational and training programs and performs national queries to determine if a physician has any professional conduct issues in other states. Although providing the proper documents is the responsibility of each applicant, Board Staff help physicians with the verification process to reduce the overall timeframe for licensure.

Licenses Issued		
	FY 06	FY07
Licenses Issued	1,429	1,458
Post Graduate Training Permits Issued	1,140	1,248
Miscellaneous Licenses Issued	77	92
Dispensing Certificates Issued	489	428
Average Number of Days to Issue a License <i>(Date of receipt of fully completed application to final approval)</i>	2	1.1
Customer Satisfaction Rating	99%	99%

## REGULATION

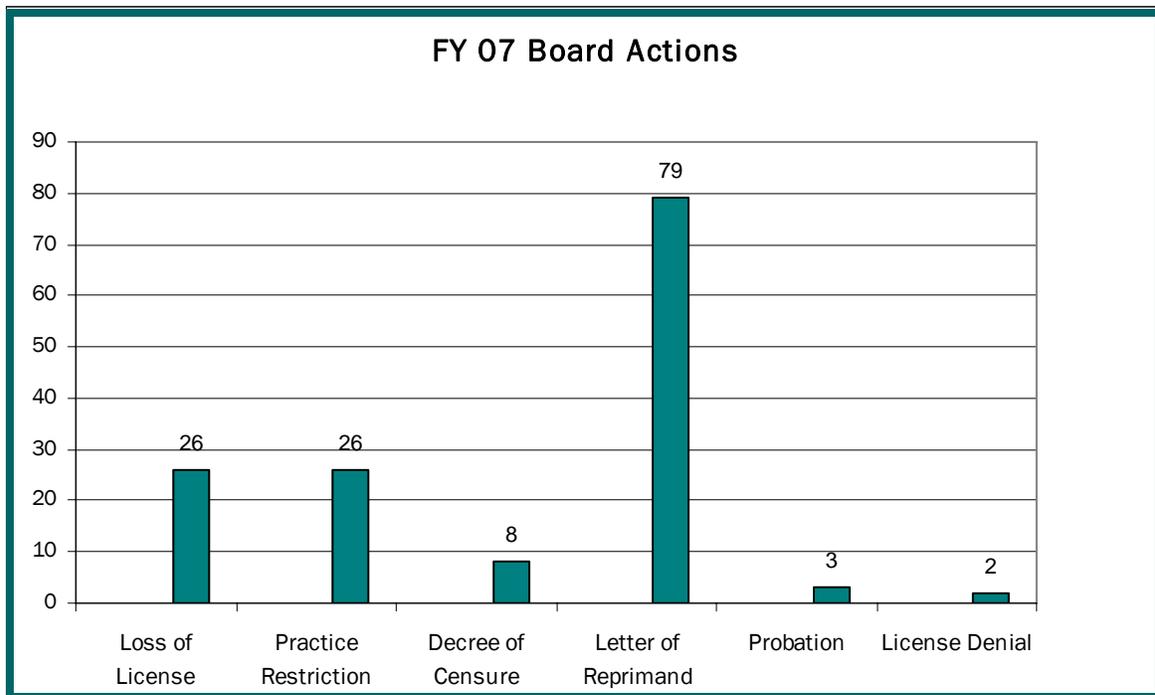
A complaint lodged against a physician triggers a process that the Arizona Medical Board has restructured to ensure a fair and impartial investigation, while striving for a timely resolution.

When an investigation uncovers a violation of the Medical Practice Act, the Arizona Medical Board uses its authority to discipline those licensees who violate the law.

Disciplinary actions taken against a licensee are public, and the effect these actions can have on a physician are long-lasting. For that reason, the Board takes all complaints against physicians seriously, and the decision to issue discipline is based on a thorough, fair and accurate investigation.

In the end, the Board is bound by its charge to protect Arizona citizens from the unlawful and incompetent practice of medicine. The actions the Board takes are reflective of that mission.

Overall, the Board took disciplinary action in 142 cases (see chart below) during FY 07. In 42 other cases, the Board ordered non-disciplinary measures for physicians such as practice limitations based on health problems, in addition to the 122 cases that resulted in the issuance of non-disciplinary Advisory Letters.



## REGULATION

The Arizona Medical Board’s regulatory activity begins when a complaint is opened.

The Board opens an investigation only when a complaint meets two criteria: it is against an allopathic physician and the allegation—if true—would be a violation of the Medical Practice Act.

The caseload of open investigations reached a manageable and stable level of approximately 300-340 cases during the 2007 fiscal year, which represents a 23% drop in the number of cases still open at the end of FY2006.

Investigations Remaining Open at Fiscal Year End	
Year	Number
2006	422
2007	326

Fewer cases allowed Board Staff to complete investigations more quickly, while improving the quality of the investigations. The FY2007 average represents a 40% decrease in the amount of time needed to complete an investigation.

Average Days to Complete an Investigation	
Year	Days
2006	201
2007	119

Compliance Monitoring is the Board’s method for ensuring physicians comply with Board orders. The Compliance figure represents the number of physicians being monitored for these reasons. Compliance officers conduct random practice audits, review physician records and report to the Board any findings of non-compliance. Failure to obey a Board order can lead to more disciplinary action.

Compliance Monitoring	
Year	Cases Monitored
Compliance	165
MAP	94
Other PHP	29

Additionally, physicians who are in the Board’s Physician Health Program (PHP) can be in either the Monitored Aftercare Program (MAP) for substance abuse rehabilitation or in the “other” part of the PHP for medical, psychiatric, psychological or behavioral health issues. PHP coordinators ensure that physicians comply with the program’s requirements and are safe to practice medicine. Findings of non-compliance are immediately brought to the agency’s attention.