

should be obtained for quality of care review to determine if this is the physician's usual practice versus an isolated occurrence.

MOTION: Vice-Chairman Gillard moved for the Board to return the case for further investigation to obtain another MC review.

This motion failed due to lack of a second by another member.

Chairman Farmer questioned whether another MC review was warranted, and noted that the Board consensus was that the physician's approach to this patient's care was inappropriate. After further discussion of the Board's options at this juncture, Vice-Chairman Gillard spoke in support of returning the case to obtain additional patients' charts for quality of care review and for Board staff to interview the licensee. He reiterated his concerns regarding the physician's unusual approach to this patient's care. Dr. Krahn stated that she was troubled by this case and the physician's claim that he departed from spoke in support of reviewing charts for patients seen prior to the current health crisis to assess whether this physician has been practicing within the standard of care. Ms. Jones stated her concerns regarding the lack of communication between the physician and the family, and emphasized the importance of a geriatrician to communicate with the patient's family.

MOTION: Vice-Chairman Gillard moved for the Board to return this matter for further investigation for staff to obtain additional patients' charts for quality of care review and for staff (including an Internal Medical Consultant) to interview the licensee.

SECOND: Dr. Paul

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

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

MOTION PASSED.

N. REVIEW OF EXECUTIVE DIRECTOR DISMISSALS

1. MD-20-0089B, NICHOLAS A. SCOTT, M.D., LIC. #45856

MOTION: Vice-Chairman Gillard moved for the Board to uphold the dismissal.

SECOND: Dr. Krahn

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

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

MOTION PASSED.

O. PROPOSED CONSENT AGREEMENTS (Disciplinary)

MOTION: Dr. Paul moved for the Board to accept the proposed Consent Agreement in item numbers 2, 3, 4, 5 and 6.

SECOND: Ms. Dorrell

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

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

MOTION PASSED.

1. MD-20-0314A, AXEL F. K. GROTHEY, M.D., LIC. #55963

Dr. Krahn reported that she works for the same institution as the licensee, but that she does not know the physician and it would not affect her ability to adjudicate the case.

Vice-Chairman Gillard observed that this matter stemmed from action taken by the State of Minnesota against the licensee. He noted other matters that resulted in the issuance of

an Advisory Letter, that there was no patient care involved, and he questioned whether this matter warranted disciplinary action. AAG Smith reported that the Board has historically mirrored the disciplinary action imposed by the other jurisdiction, and pointed out that in this instance; the Minnesota Board disciplined Dr. Grothey in the form of a Reprimand, fine, and other probationary terms that involved the completion of CME. AAG Smith stated that the proposed Consent Agreement in this case takes into account the fact that there was additional remediation that was completed and ultimately reduced how the Board would normally proceed in the circumstances.

Dr. Krahn stated her concerns regarding the physician's mentoring relationship with his colleagues with whom he was found to be involved, and she stated this could potentially affect the healthcare team. Dr. Beyer stated that the underlying issues raised in the Minnesota Board's case involving the physician's relationships with his mentees is serious and that he found disciplinary action was warranted in this matter.

MOTION: Dr. Beyer moved for the Board to accept the proposed Consent Agreement for a Letter of Reprimand.

SECOND: Ms. Jones

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

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

MOTION PASSED.

2. MD-18-0411A, LAWRENCE W. BENCE, M.D., LIC. #15956

RESOLUTION: Accept the proposed Consent Agreement for a Letter of Reprimand.

3. MD-17-0676A, DANIEL A. CAPEN, M.D., LIC. #46914

RESOLUTION: Accept the proposed Consent Agreement to Surrender Licensure.

4. MD-18-0734A, MD-18-0356A, LISA A. SPARKS, M.D., LIC. #13545

RESOLUTION: Accept the proposed Consent Agreement for a Decree of Censure and Four Year Probation with Practice Restriction. Dr. Sparks shall be prohibited from prescribing controlled substances until she has completed the controlled substance prescribing CME as required by this Order, enters into an agreement with a Board-approved monitor to conduct chart reviews as required by this Order, and provides Board staff satisfactory proof of compliance with these requirements. Within 6 months, Dr. Sparks shall complete no less than 15 hours of Board staff pre-approved Category I CME in an intensive, in-person course regarding controlled substance prescribing, no less than 2 hours of Board staff pre-approved Category I CME regarding potential complications of Methadone prescribing; and, no less than 2 hours of Board staff pre-approved Category I CME regarding the evaluation of respiratory depression/sleep apnea. The CME hours shall be in addition to the hours required for license renewal. Within 30 days of completion of the prescribing CME, Dr. Sparks shall enter into a contract with a Board-approved monitoring company to perform period chart reviews involving current patients' charts for care rendered after the date Respondent returned to prescribing controlled substances, at the physician's expense. After three consecutive favorable chart reviews, the physician may petition the Board to terminate the Probation. Dr. Sparks may not request early termination without satisfaction of the chart review requirements. In the event that Respondent requests Probation termination and the Practice Restriction is in effect at the time of the request, the Board may require any combination of examinations and/or evaluations in order to determine whether or not Respondent is safe to prescribe controlled substances and the Board may continue the Practice Restriction or take any other action consistent with its authority.

5. MD-20-0196A, KIOUMARS MOSTAFIZI, M.D., LIC. #29684