



Arizona Medical Board

9545 E. Doubletree Ranch Road • Scottsdale, AZ 85258-5514
Telephone: 480-551-2700 • Toll Free: 877-255-2212 • Fax: 480-551-2705
Website: www.azmd.gov

November 27, 2012

RE: Licensure Applications for Dr. Thomas Michaelis

To Whom It May Concern:

The information you requested cannot be provided for the following indicated reason(s):

- (A.) Name(s) do not match any licensed physician or physician assistant in our records.
- (B.) The file you have requested has been destroyed in accordance with the agency's record retention schedule.
- (C.) Transcripts are available through Griffin & Associates Court Reporters at (602) 264-2230.
- (D.) This agency does not release physician/physician assistant's dates of birth or Social Security Numbers.
- (E.) You have requested documents that are part of the Board's investigative file and are confidential pursuant to A.R.S. § 32-1451.01(C) and (E), and are exempt from disclosure to the public and not obtainable by subpoena. *Lipschultz v. Superior Court*, 128 Ariz. 16, 623 P.2d 805 (1985); *Arizona Board of Medical Examiners v. Superior Court*, 186 Ariz. 360, 911 P.2d 924 (App. 1996).
- (F.) In addition to the reasons stated in (E), as the licensee you may have been entitled to receive this information while the investigation was pending. However, you would have been prohibited from using the material in any forum other than before the Board. Because the investigation is concluded, you are not entitled to this information. A.R.S. § 32-3206(B).
- (G.) Other: The Arizona Medical Board does not have jurisdiction over the professions about which you requested information.

Comments:

Please see the enclosed public information regarding Dr. Michaelis.

Thank you,

Amanda Schwabe

Amanda Schwabe
Board Coordinator
Ph: (480) 551-2712
Fx: (480) 551-2705



Arizona State Board of Medical Examiners

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November 2, 2001

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Jane Dee Hull

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

Pamela Powers, M.D.
Physician Member

Edward Sattenspiel, M.D.
Physician Member

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Executive Director

Tom Adams
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Dominick Spatafora
Legislative Liaison

Cheri Pennington
HR Coordinator

Thomas W. Michaelis, MD



RE: Application for Board Licensure to Practice Medicine

Dear Dr. Michaelis:

The purpose of this letter is to notify you that your application for licensure was denied because you do not have the physical and mental capability to safely engage in the practice of medicine and you do not have a professional record that indicates that you have not committed any act or engaged in any conduct that would constitute grounds for disciplinary action by the Board. A.R.S. 32-1422(A)(3)(4). Your license application is being denied based on criminal convictions, disciplinary action in another jurisdiction and malpractice history.

You may appeal this denial to the Board by filing a written request within 30 days of personal delivery or certified mail of this letter to your last known residence or place of business. In your appeal please include any evidence to demonstrate that the conduct has been corrected, monitored and resolved. A.R.S. 32-1422(C). The Board will conduct a paper review of your appeal and application and, at that same Board meeting, you may address the Board during the call to the public. If the Board denies your license application you may appeal the decision to the Office of Administrative Hearings.

If you have any questions or need further assistance, please contact Marie Slaughter, Licensing and Renewal Administrator at (480) 551-2756.

Sincerely,

Claudia Foutz
Executive Director

Cc: File

IV. APPEAL OF EXECUTIVE DIRECTOR ACTIONS CONTINUED

No	CASE NO.	INV. #	CASE NAME	PHYSICIAN		LIC. #	SUBJECT	BOARD ACTION
4.	MD-01-L044	N/A	LICENSING v THOMAS MICHAELIS, MD	THOMAS	MICHAELIS	N/A	Appeal of E.D. Denial of Locum Tenens License	Granted Locum Tenens License

During the Call to the Public, Thomas Michaelis, M.D., Bob Lalberte, M.D., Diane Tinker, C.N.M., and Dr. Michaelis' attorney, Stephen Myers, addressed the Board and spoke on behalf of Dr. Michaelis being licensed.

Richard Zonis, M.D., Chief Medical Consultant, presented the case to the Board.

MOTION: Tim B. Hunter, M.D., moved to reject the Executive Director's denial to issue Dr. Michaels a locum tenens license, as the Board had determined that the physician's prior unprofessional conduct had been corrected, monitored and resolved.

SECONDED: Edward Sattenspiel, M.D.

Pamela Powers, M.D., spoke in favor of the motion, but stated that the Board should restrict the physician's license. Claudia Foutz, Executive Director, stated that the Board cannot issue a probationary license. Sharon B. Megdal, Ph.D., questioned whether the Board could require the physician to undergo an evaluation.

	VOTE	Richard H. Carmona, M.D.	Patrick Connell, M.D.	Ronnie R. Cox, Ph.D.	Tim B. Hunter, M.D.	Honorable Becky Jordan	Ram R. Krishna, M.D.	Robert Matthies, M.D.	Sharon B. Megdal, Ph.D.	Dona Pardo, Ph.D., R.N.	Pamela Powers, M.D.	Edward Sattenspiel, M.D.	Edward Schwager, M.D.
YES	10	X	X	X	X	X			X	X	X	X	X
NO	0												
ABSTAIN	1						X						
ABSENT	1							X					

Motion passed.

III. OLD BUSINESS CONTINUED

No	CASE NO.	INV. #	CASE NAME	PHYSICIAN		LIC. #	SUBJECT	BOARD ACTION
8.	MD-99-0918	13410	M.S. v MELANIE KOHOUT, MD	MELANIE	KOHOUT	23105	Review of Draft Findings of Fact, Conclusions of Law and Order	Letter of Reprimand and Probation

Pamela Powers, M.D., recommended that the Board approve the Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand and Probation.

MOTION: Patrick Connell, M.D., moved that the Board approve the draft Findings of Fact, Conclusions of Law and Order for a Letter of Reprimand for inappropriate prescribing of Adderall and Effexor. Dr. Kohout shall be placed on Probation for three (3) years to obtain 40 hours of Board staff pre-approved Category I Continuing Medical Education (CME) in psycho pharmacology pre-approved by Board staff within six (6) months within the effective date of this order. The CME hours are in addition to the hours required for license renewal. In addition, Board staff shall conduct bi-annual chart reviews to monitor Dr. Kohout's prescribing habits.

SECONDED: Dona Pardo, Ph.D., R.N.

No.	CASE NO.	COMPLAINANT v. PHYSICIAN	BOARD RESOLUTION
21.	MD-00-0587	BOMEX	JON LONG, MD LICENSE NO. 8361
			DONALD MAR, MD LICENSE NO. 12449
Dismissal			
Advisory Letter, as there is insufficient evidence to support discipline, for failure to appropriately follow-up the mammographic change in a female with a history of breast cancer and complaint of a breast lump.			

Tim B. Hunter, M.D. recused himself from this case.

22.	MD-00-0690	K.P.	DAVID LAWSON, MD, LICENSE NO. 23145	Dismissal
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MOTION: Ram R. Krishna, M.D. moved to accept the staff recommendations for cases 21 and 22.

SECONDED: Honorable Becky Jordan

VOTE: 8-0-0 Motion passed.

VI. APPEAL OF EXECUTIVE DIRECTOR'S ACTIONS

No.	CASE NO.	COMPLAINANT v. PHYSICIAN	BOARD RESOLUTION
1.	MD-00-0709	MW	ALVIN BURSTEIN, MD, LICENSE NO. 20447
2.	MD-00-0782	N.G.	GARRON HALE, MD, LICENSE NO. 6164
3.	MD-01-0036	B.K.	WESLEY JOHNSON, MD, LICENSE NO. 26379
4.	MD-01-0131	D.A.	BERNADETTE REIDY, MD, LICENSE NO. 19600
5.	MD-01-0097	E.E.	PARVEZ JASSANI, MD, LICENSE NO. 22709
Denial of Appeal of Executive Director's action dismissing case.			

J.H. and J.B., addressed the Board during the Call to the Public, on behalf of their mother, patient E.E. They had requested that their mother receive an MRI, but Dr. Jassani performed an ultrasound instead.

6.	MD-01-0113	F.L.	GEORGE GWINN, MD, LICENSE NO 25811 JOHN ROEHRS, MD, LICENSE NO. 27597	Denial of Appeal of Executive Director's action dismissing case.
7.	MD-01-0298	B.K.	WILLIAM LEIGHTON, M LICENSE NO. 12814	Denial of Appeal of Executive Director's action dismissing case.

B.K. addressed the Board during the Call to the Public and asked the Board to reconsider the Executive Director's dismissal of this case as Dr. Leighton had used a diagnostic code of cosmetic surgery, which resulted in the insurance company denying coverage.

MOTION: Ram R. Krishna, M.D. moved to deny the appeals of the Executive Director's actions in cases 1-7.

SECONDED: Richard H. Carmona, M.D.

VOTE: 8-0-0 Motion passed.

No.	CASE NO.	PHYSICIAN	BOARD RESOLUTION
8.	MD-01-L021	RAMONITO PANAL, MD, APPLICANT	Grant Appeal of Executive Director's action denying licensure & issue license.

MOTION: Tim B. Hunter, M.D. moved to process the doctor's license routinely.

SECONDED: Richard H. Carmona, M.D.

VOTE: 8-0-0 Motion passed.

VII. NON-TIME SPECIFIC ITEMS:

No.	CASE NO.	PHYSICIAN	BOARD RESOLUTION
1.	MD-01-L053	HENRY CHAKER, MD, APPLICANT	Deny Application for Licensure.

Tim B. Hunter, M.D. stated that Dr. Chaker has demonstrated an incredible record of moral turpitude.

MOTION: Tim B. Hunter, M.D. moved to deny the license.

SECONDED: Richard H. Carmona, M.D.

Vote: 8-0-0 Motion passed.

No.	CASE NO.	PHYSICIAN	BOARD RESOLUTION
2.	MD-01-L069	THOMAS MICHAELIS, MD, APPLICANT	Deny Appeal of Executive Director's action denying licensure.

Attorney Kraig Marton addressed the Board on behalf of Dr. Michaelis and urged the Board to issue him a license. Kimberly Stepp addressed the Board and stated that she is a nurse practitioner and nurse mid-wife, who supports Dr. Michaelis. She urged the Board to issue Dr. Michaelis a license. Dr. Michaelis addressed the Board and stated that about 10 years ago he did some things in his personal life, which he regrets. Since that time, he has had psychological counseling for 5 years. Dr. Michaelis said he had been practicing at the Indian Health Center for the last 8 years without incident. Dr. Krishna recommended a formal hearing as being the best forum to hear the complex issues of this case, and to support the Executive Director's license denial would allow the doctor to appeal and have the case heard at formal hearing.

MOTION: Ram R. Krishna, M.D. moved to support the Executive Director's denial of license.

SECONDED: Honorable Becky Jordan

ROLL CALL VOTE TAKEN: The following members voted for the motion: Richard H. Carmona, M.D., Patrick Connell, M.D., Ronnie R. Cox, Ph.D., Honorable Becky Jordan, Ram R. Krishna, M.D., Dona Pardo, Ph.D., R.N., Pamela Powers, M.D., Edward Schwager, M.D. The following Board member abstained: Robert Matthies, M.D. Tim Hunter, M.D. was not present for this case.
 VOTE: 8-0-1 Motion passed

No.	CASE NO.	COMPLAINANT v PHYSICIAN	BOARD RESOLUTION
3.	MD-01-0145	J.E. GARY HALL, MD LICENSE NO 12977	Referred to Formal Hearing

MOTION: Richard H. Carmona, M.D. moved to refer this case to formal hearing because of the complexity of the case.

SECONDED: Ram R. Krishna, M.D.

VOTE: 8-0-0 Motion passed.

No.	CASE NO.	COMPLAINANT v PHYSICIAN	BOARD RESOLUTION
4.	MD-00-0263	BOMEX WILLIAM ROBERTS, MD, LICENSE NO 11971	Modify Prior Consent Agreement

Edward Schwager, M.D. recused himself from this case. MAP Coordinator, Kathleen Muller, presented the case to the Board.

MOTION: Ram R. Krishna, M.D. moved to modify paragraph two as recommended by the Monitored Aftercare Program Committee.

SECONDED: Robert Matthies, M.D.

VOTE: 8-0-0 Motion passed.

No.	CASE NO.	COMPLAINANT v PHYSICIAN	BOARD RESOLUTION
5.	MD-00-0792 MD-01-0623	BOMEX RALPH COLLA, MD LICENSE NO 26814	Scheduled for Special Teleconference Meeting on Monday, December 10, 2001
6.	MD-00-0472	C.Y. ABELARDO SOTELO, MD LICENSE NO 24071	Motion for Rehearing Denied

Patrick Connell, M.D. recommended to deny the motion for rehearing. Richard H. Carmona, M.D. recused himself from the case.

MOTION: Edward Schwager, M.D. moved to deny the motion for rehearing.

SECONDED: Tim B. Hunter, M.D.

VOTE: 7-0-0 Motion passed.

No.	CASE NO.	COMPLAINANT v PHYSICIAN	BOARD RESOLUTION
7.	MD-99-0448 (Inv. 12931)	BOMEX MARIA AGUIRRE, MD, LICENSE NO16802	Motion for Rehearing Denied

Investigator Supervisor Lee presented the case to the Board. Patrick Connell, M.D. stated that this physician had a serious impairment and did not have insight into her condition.

MOTION: Robert Matthies, M.D. moved to deny the motion for rehearing.

SECONDED: Edward Schwager, M.D.

VOTE: 8-0-0 Motion passed.

No.	CASE NO.	COMPLAINANT v PHYSICIAN	BOARD RESOLUTION
8.	MD-00-0588	BOMEX ROY GETTEL, MD, LICENSE NO 11015	Motion for Rehearing Denied

Ram R. Krishna, M.D. stated that there is no new information to consider.

MOTION: Edward Schwager, M.D. moved to deny the motion for rehearing.

SECONDED: Honorable Becky Jordan

VOTE: 8-0-0 Motion passed.

No.	CASE NO.	COMPLAINANT v PHYSICIAN	BOARD RESOLUTION
9.	MD-98-0591 MD-97-0558 MD-97-0183	A.M. BOMEX BOMEX M. AZAM KHAN, MD LICENSE NO 9994	Motion for Rehearing/Review Denied

Tom Prose, Assistant Attorney General, addressed the Board and urged the Board on behalf of Janet Napolitano, State Attorney General, to review the case against Dr. Khan and impose a more severe penalty. Tom Prose stated that probation was not a sufficient penalty and that a revocation was more appropriate due to the severity of Dr. Khan's unprofessional conduct. Ram R. Krishna, M.D. stated that Mr. Prose's comments during the Call to the Public were inaccurate as the Board revoked Dr. Khan's license and then stayed the revocation and placed Dr. Khan on probation. Tim B. Hunter, M.D. stated that it is the intent of the Board that if the doctor has any incident the Board deems untimely the Board will revoke Dr. Khan's license.

MOTION: Tim B. Hunter, M.D. moved to deny the State's Motion for Review.

SECONDED: Edward Schwager, M.D.

MOTION: Dona Pardo, Ph.D., R.N. moved to go into executive session.

SECONDED: Ram R. Krishna, M.D.

VOTE: 8-0-0 Motion passed.

VI. TIME SPECIFIC ITEMS

No.	CASE NO.	COMPLAINANT v. PHYSICIAN	LIC#	BOARD RESOLUTION
1.	MD-01-L069	BOMEX THOMAS MICHAELIS, MD	n/a	Adopted the Findings of Fact, Conclusions of Law and Order as recommended by the Administrative Law Judge with the technical amendments.

Stephen Wolf, Assistant Attorney General, read an email communication from Dr. Michaelis' attorney, Craig J. Marton. The email stated that Dr. Michaelis did not agree with the Administrative Law Judge's decision but waived his right to appear at the meeting. William Wong, M.D. stated that he knows Mr. Wolf personally, but that it would not affect his ability to review the case. Mr. Wolf addressed the Board regarding the Administrative Law Judge recommended decision. Mr. Wolf stated that in license denial hearings the burden of proof is with the applicant. The physician must prove that the prior medical misconduct has been corrected, monitored, and resolved. Dr. Michaelis failed to do so. The state noted for the Board that additional evidence had been presented at the administrative hearing that in addition to the acts Dr. Michaelis had pled guilty to, Dr. Michaelis also admitted to oral sex with a fourteen year-old baby sitter. Mr. Wolf noted that Dr. Gray felt that the monitoring and treating of Dr. Michaelis was grossly inadequate and that Dr. Michaelis fell below the standard of care. The state recommended the Board adopt the Administrative Law Judge's recommendation with six technical amendments. Dr. Michaelis was not present.

MOTION: Ram R. Krishna, M.D. moved to adopt the Findings of Fact, Conclusions of Law and Order as recommended by the Administrative Law Judge with the technical amendments.

SECONDED: Tim B. Hunter, M.D.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Patrick Connell, M.D., Ronnie R. Cox, Ph.D., Tim B. Hunter, M.D., Honorable Becky Jordan, Ram R. Krishna, M.D., Robert Matthies, M.D., Dona Pardo, Ph.D., R.N., Pamela Powers, M.D., Edward Schwager, M.D., and William Wong, M.D.

VOTE: 10-0-0 Motion passed.

No.	CASE NO.	COMPLAINANT v. PHYSICIAN	LIC#	BOARD RESOLUTION
2.	MD-02-0193	BOMEX JOHN MURNANE, MD	17325	Summarily suspend Dr. Murnane's license as he poses an imminent danger to the public's health and safety.

Dennis McMahon, Senior Investigator, presented the case to the Board. Investigator McMahon stated that according to Dr. Murnane's attorney Dr. Murnane did not wish to sign the stipulated agreement. Investigator McMahon further stated that Dr. Murnane has not returned Board staff's phone calls and that according to Dr. Murnane's therapist, Dr. Murnane has not been attending group therapy sessions. Kathleen Muller, Compliance Officer, stated that Dr. Sucher has attempted to contact Dr. Murnane but has been unable to do so. Dr. Murnane is not currently participating in the Monitored Aftercare Program and has not been participating for the past three weeks. Christine Cassetta, Board Counsel, informed the Board that based on the relapse and the refusal to accept treatment Dr. Sucher has recommended summary suspension.

MOTION: Robert Matthies, M.D. moved to summarily suspend Dr. Murnane's license as he poses an imminent danger to the public's health and safety.

SECONDED: Tim B. Hunter, M.D.

ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Patrick Connell, M.D., Ronnie R. Cox, Ph.D., Tim B. Hunter, M.D., Honorable Becky Jordan, Ram R. Krishna, M.D., Robert Matthies, M.D., Dona Pardo, Ph.D., R.N., Pamela Powers, M.D., Edward Schwager, M.D., and William Wong, M.D.

VOTE: 10-0-0 Motion passed.

VII. APPEAL OF EXECUTIVE DIRECTOR'S ACTIONS

MOTION: Tim B. Hunter, M.D. moved to uphold the Executive Director's dismissal for cases 1, 3, and 5.

SECONDED: Honorable Becky Jordan

VOTE: 10-0-0 Motion passed.

No.	CASE NO.	COMPLAINANT v. PHYSICIAN	LIC#	BOARD RESOLUTION
1.	MD-01-0087	E.M. DEBORAH VERNASCO, MD	19891	Executive Director's dismissal upheld.

Deborah Vernasco, M.D. addressed the Board during the Call to the Public and described her educational background and role in the case. Dr. Vernasco stated that the patient had a very challenging airway and after physically assessing the patient and reviewing the patient's medical history of juvenile rheumatoid arthritis, she recognized that this would be a very challenging case. Dr. Vernasco stated that the patient reported a morphine allergy, but that true morphine allergies are rare and that it is not unusual for the allergy to be a reaction to the preservative. Dr. Vernasco stated that the patient experienced a life threatening closing of the airway during surgery. The surgery was aborted and continued at a later time. During the second surgery, Dr. Vernasco used a spinal anesthesia that was a combination of a local anesthetic and a narcotic. Dr. Vernasco used a preservative free morphine because it has the least number of side effects and is the most commonly given spinal narcotic. Dr. Vernasco stated that she still stands by her decision. E.M. addressed the Board during the Call to the Public and stated that she had had previous successful intubations.