

BOARD OF MEDICAL STUDENT LOANS

Minutes of the meeting of May 1, 2015

The Board of Medical Student Loans held an open public meeting on May 1, 2015 by videoconference at **four locations**: The University of Arizona College of Medicine, Room 2141, Arizona Health Sciences Library, 1501 N. Campbell Avenue, **Tucson, AZ 85724**; The University of Arizona, College of Medicine, Room C402, Health Sciences Education Building (HSEB), 550 E. Van Buren Street, **Phoenix, AZ 85004**; Midwestern University, Arizona College of Osteopathic Medicine, Room 234, Glendale Hall, 19555 N. 59th Avenue, **Glendale, AZ 85308**; and Midwestern University, Downers Grove, IL Campus, Video Conference Room, Alumni Hall North, Lower Level, 555 31st Street, **Downers Grove, IL 60515**.

Board members in attendance at the videoconference included Chairperson Ross Kosinski, Ph.D., Amy Mitchell, M.D. and Amy Waer, M.D. in Tucson, AZ; Shirley Rheinfelder, M.D., Stanley Brysacz, D.O. and Gordi Khera, M.D. in Glendale; Patricia Tarango (non-voting member) in Phoenix; and Jeff Morgan, D.O. at Midwestern University in Downers Grove, IL. All board members were in attendance.

Support staff present included: Sherri McClellan, Program Coordinator of Financial Aid, College of Medicine-Tucson, University of Arizona, in Tucson; Ana Roscetti, Workforce Section Manager, Bureau of Health Systems Development, Arizona Department of Health Services and Deborah Ross-Carter, Assistant Director, Student Financial Services, A.T. Still University in Phoenix; and Emily Lawrence, Student Loan Repayment Administrator, Midwestern University in Downers Grove, IL.

Member of the public, Mrs. Stanley Brysacz was also in attendance in Glendale.

The minutes of the meeting of November 14, 2014 have been distributed to the Board for review.

Chairperson Kosinski called the meeting to order at 1:06pm.

The meeting began with welcomes to the newest Board members Amy Waer, M.D. and Jeff Morgan, D.O. It was noted that Dr. Waer took appointment from the University of Arizona, replacing Carol Galper, Ph.D., and Dr. Morgan took appointment from the Arizona Board of Osteopathic Examiners, replacing Dr. Paul Steingard.

Chairperson Kosinski proceeded to the first agenda item for **approval of the meeting minutes** from November 14, 2014. Dr. Mitchell moved to approve the minutes from the meeting of November 14, 2014. The motion to approve the minutes was seconded by Dr. Rheinfelder, and all voting members were unanimous to approve.

Dr. Khera announced that he was on call and may need to leave the meeting. For that reason, Chairperson Kosinski began the meeting with the requests made by Dr. Janet Vargas through her attorney, Timothy Ingraham in a letter dated March 13, 2015. Neither Dr. Vargas nor Mr. Ingraham was present at the meeting.

Chairperson Kosinski recapped for the Board that Dr. Vargas proposed a private practice which the Board agreed would be a viable way to fulfill her service obligation. Her request was denied for hours she worked at Cottonwood de Tucson, but the Board accepted her hours from ETANO. Dr. Vargas has submitted information regarding her private practice. From Mr. Ingraham's letter, the Board has several requests to consider.

First, the Board is requested to approve a total of 1,995 hours at ETANO. ETANO was previously approved as an eligible site by the Board. Dr. Amy Mitchell moved to approve the 1,995 total hours submitted by Dr. Vargas at ETANO. Dr. Rheinfelder seconded the motion.

All voting members were unanimous to approve a total of 1,995 hours served by Dr. Vargas at ETANO.

The next request was for approval of her private practice. The location at 1637 E. Prince Road, Tucson, AZ 85719 is eligible. She is working full-time there. The attorney's letter states that Dr. Vargas's husband works for her and is the one who is documenting the hours. Sherri McClellan contacted Brian Luse from the Attorney General's Office to question a possible conflict of interest in having Dr. Vargas's husband provide the certification for her hours. Mr. Luse advised that a signed and notarized certification, attesting to the accuracy of her hours is acceptable. Dr. Rheinfelder moved to approve Dr. Vargas's private practice location at 1637 E. Prince Road, Tucson, AZ 85719 and Dr. Vargas's clientele as described by Mr. Ingraham in his letter. Before the vote, Dr. Brysacz led additional discussion, noting that Dr. Vargas's husband had *not* signed the submitted certification. Dr. Brysacz amended the motion to include that Dr. Vargas's husband, who is certifying her hours do so with his own notarized signature in the future. Dr. Waer seconded the motion. **All voting members were unanimous to approve Dr. Vargas's private practice location and clientele, and to require her husband's signature on future certifications.**

The next consideration was for Dr. Vargas's plan of practice. Dr. Vargas submitted 1,482 hours of service including 1,105.25 hours of patient care and 377.50 hours of administration. Chairperson Kosinski made a motion to approve her submitted hours and plan of service. Dr. Waer seconded the motion. Before the vote, Dr. Mitchell noted a large amount of administrative hours included. Chairperson Kosinski stated that administrative duties are expected. He noted that, per Mr. Ingraham's letter, Dr. Vargas's administrative time included conferences and presentations. Chairperson Kosinski suggested that the Board state those hours are not counted, that the hours must be direct practice and administration related to that direct practice. Dr. Mitchell added that administrative hours should be consistent with standard administration. Chairperson Kosinski formed a motion to accept these submitted hours with a stipulation that direct patient hours and only administration related to direct patient hours are approved. Dr. Khera continued the discussion noting that the administrative hours submitted were "give or take 20%." With Dr. Vargas's husband there now doing the administrative work, Dr. Khera asked, "Is this a reasonable amount or is it excessive?" His belief is that it is excessive and suggests a cap of allowable administrative hours, perhaps 10% going forward. Patricia Tarango asked if there is a percentage stipulated in the contract for administration. Sherri McClellan answered that the contract is not specific. Patricia Tarango noted that the Arizona Loan Repayment Program is specific to allow for 20% of administrative duties related to patient care. Dr. Khera stated that the practicing physicians on the Board know what is reasonable and what is not. Dr. Khera suggested amendment to the motion to cap administrative time to 15% of future patient care hours. Dr. Rheinfelder seconded the motion to

approve the submitted hours and plan of service with a cap of 15% of administrative time on future patient care hours. **With no further discussion, all voting members were unanimous to approve Dr. Vargas's submitted hours and plan of service with a cap of 15% of administrative time on future patient care hours.**

The last topic to discuss was Mr. Ingraham's request to deem \$21,893 of her 2001-2002 contract "paid in full" for 2,000 hours of service completed. The Board was provided with excerpts from Dr. Vargas's contracts. It states in her 2001 contract, "services shall be provided on a full time basis for at least two years or one year of service for each academic year of loan support whichever is longer. For purposes of this paragraph "full time" means 2,000 hours of duty per year so scheduled as to provide not less than 100 hours duty time during any calendar month." Dr. Vargas has not met the minimum requirement of two years, or 4,000 hours. Chairperson Kosinski made a motion to deny Dr. Vargas's request because she has not met the minimum requirement. Dr. Khera seconded the motion. **All voting members were in favor to deny Dr. Vargas's request to the Board for forgiveness of \$21,893 of her 2001-2002 contract**, however it was noted that the minimum requirement of two years, or 4,000 hours will eventually be met and presented for the Board's approval at its next scheduled meeting.

With all requests and discussions regarding Dr. Vargas addressed, the meeting continued with an Update on Referrals to the Attorney General's Office.

Current participants with the Attorney General's Office are O. Dianna Bell, Claudia Chavez, Rey Palop, M.D., Juan Hernandez, Scott Salmon, D.O., Juanita Padilla, M.D., and David Damstra, M.D.

Chairperson Kosinski noted expected referrals to the Attorney General for **Allison Castro, M.D.** and **Aileen Lo, M.D.** who have not fulfilled their commitments.

Dr. Brysacz asked what happens to the loan funds that are repaid to the Board, such as the repayment made by Dr. Raymer. The chairperson answered that any repayments that come back to the Board now go to the Arizona Loan Repayment Program for people who have graduated and are applying post-residency. He noted that recent legislation was expanded for the Arizona Loan Repayment Program to include other health professions such as physician assistants.

The meeting continued with participants who are entering service. **Brandon Abbott, D.O.** has secured a position as a full-time physician in Medicine-Pediatrics at North Country HealthCare with an anticipated start date of July 13, 2015. **Valerie Matthew, M.D.** has secured a position as a full-time physician in Family Medicine at Western Regional Medical Center, 2735 Silver Creek Road, Bullhead City, AZ 86442 which serves the Medically-Underserved Area/Population of Low Income - Bullhead City, beginning in August 2015.

Chairperson Kosinski updated the Board on the following participants:

Maurice Lee, M.D. submitted a Certification of Practice for Board-approved Neighborhood Outreach Access to Health (NOAH) where he worked full-time from August 12, 2103 to February 5, 2015. He started as Medical Director at St. Vincent de Paul Medical Clinic, 420 W. Watkins Road, Phoenix AZ 85003 on February 6, 2015.

Katharine Gee Raymer, M.D. repaid \$53,496.42 to the Board of Medical Student Loans in January 2015 to fulfill her contract. She and her family will be moving overseas. A letter of completion of commitment was provided to her.

Celia Valenzuela, M.D. and Julissa Ochoa-Buck, M.D. completed their service obligations to the Board, and a letter of completion was issued to each.

Darrell Brimhall, M.D., Comfort Hines, M.D., Melinda Valichnac, M.D., and Mariposa Wolford, M.D. all continue to serve their service commitments at contracted with the State, having submitted certification of their full-time employment at approved sites.

Chairperson Kosinski next reviewed the Reimbursement of Private Schools to the University of Arizona College of Medicine per the statutes. At a previous meeting, the Board agreed on \$500.00 for each student with a maximum cost of \$5,000.00. There are three students from A.T. Still University and thirteen from Midwestern University plus Scott Salmon, D.O. with the Attorney General.

For the administrative update, Chairperson Kosinski reminded the Board of the expected Sunset, and that the Board submitted a letter agreeing with the Sunset, noting this commitment to primary care is too early under this program. With State funds swept away, the Board requested that future monies go to the Arizona Loan Repayment Program. If the State's economy changes, the Board may look at trying to postpone the Sunset.

Appreciation plaques were made for Dr. Galper and Dr. Steingard, former Board members. Sherri McClellan stated that Dr. Galper received her plaque by mail. Chairperson Kosinski said that he has Dr. Steingard's plaque and plans to visit him soon to deliver the plaque. It was noted that the three medical schools shared in the cost, and the chairperson thanked the schools for doing that.

With the agenda items addressed, Chairperson Kosinski opened the floor to other items. Dr. Brysacz asked to go back to a question regarding the cases with the Attorney General. He asked about Dr. Damstra and about the interest continuing on his outstanding loan. Dr. Brysacz asked if it was right for the Attorney General to charge interest for someone who is in military service protecting us. Sherri McClellan stated that Dr. Damstra is voluntarily enlisted in the military and was not called into duty. Until he retires from the military, he is protected by the Soldiers and Sailor's Act from litigation by the State. By the Attorney General's viewpoint, he is hiding from his responsibility to the State by remaining in the military. Dr. Brysacz raised the question of how the Board feels about this interest accrual. Dr. Khera asked if the Board has any discretion at this point to consider this. Sherri McClellan stated her belief that once a case is referred to the Attorney General, the matter is out of the Board's hands. Chairperson Kosinski agreed. Dr. Brysacz sees this as an injustice to charge interest on a person who is serving to protect us. Dr. Khera agreed with Dr. Brysacz, however believes that the Board must follow the law. Chairperson Kosinski suggested that Brian Luse from the Attorney General's Office be contacted for clarification for what happens once the Attorney General takes the case. Sherri McClellan stated that it was the Board at the time who referred Dr. Damstra to the Attorney General, and therefore felt that it had done all it could do to see the contract through. Chairperson Kosinski suggested follow up with Brian Luse.

There were **no other items** for discussion from Board members or audience.

With all agenda items and other discussions addressed, Dr. Mitchell moved to adjourn the meeting. Dr. Brysacz seconded. All were in favor of adjournment. **The meeting was adjourned at 1:42pm.**

Minutes are available for review on this day, May 6, 2015.

Respectfully submitted,



Sherri McClellan
Program Coordinator
Board of Medical Student Loans

Approved:



Ross Kosinski, Ph.D.
Chairperson
Board of Medical Student Loans