

1 BEFORE THE ARIZONA MEDICAL BOARD

2 In the Matter of

Case No. MD-21-0361A

3 **ABDULLAH M. YONAN, M.D.**

**ORDER DENYING PETITION FOR
REHEARING AND REVIEW**

4 Holder of License No. 27691
5 For the Practice of Allopathic Medicine
6 In the State of Arizona

7
8 At its public meeting on August 4, 2022 the Arizona Medical Board ("Board")
9 considered Abdullah M. Yonan, M.D.'s ("Respondent") Petition for Rehearing and Review
10 of the Board's Order dated July 8, 2022 in the above referenced matter. The Board heard
11 oral argument by Flynn, Carey Esq. on behalf of the Respondent, who requested
12 rehearing or review pursuant to A.A.C. R4-16-103(D)(1), (5), (6) and (8).

13 During deliberations, Board members noted that the issues raised by counsel were
14 addressed with robust discussion during the Formal Interview conducted by Committee B.
15 Board members noted that when faced by insubordination by nursing staff, the appropriate
16 response should have been to address the issue utilizing the chain of command, rather
17 than raising his voice or engaging in physical contact with the nurse. After considering all
18 of the evidence, the Board voted to deny Respondent's Request for Rehearing or Review.

19 **ORDER**

20 IT IS HEREBY ORDERED that:

21 Respondent's Petition for Rehearing and Review is denied. The Board's June 9,
22 2022 Findings of Fact, Conclusions of Law and Order for Letter of Reprimand in Case MD-
23 21-0361A is effective and constitutes the Board's final administrative order.
24
25

1 RIGHT TO APPEAL TO SUPERIOR COURT

2 Respondent is hereby notified that he has exhausted his administrative remedies.
3 Respondent is advised that an appeal to Superior Court in Maricopa County may be taken
4 from this decision pursuant to title 12, chapter 7, and article 6 of the Arizona Revised
5 Statutes.

6 DATED AND EFFECTIVE this 10th day of August, 2022.

7 ARIZONA MEDICAL BOARD

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10 By Pat E. McSorley
11 Patricia E. McSorley
Executive Director

12 EXECUTED COPY of the foregoing certified mailed and emailed
13 this 10th day of August, 2022 to:

14 Abdullah M. Yonan, M.D.
15 Address of Record
16 Flynn Carey, Esq.
17 Mitchell Stein Carey Chapman, PC
18 2600 North Central Avenue, Suite 1000
Phoenix, Arizona 85004
Attorney for Respondent

19 ORIGINAL of the foregoing filed
20 this 10th day of August, 2022 with:

21 Arizona Medical Board
22 1740 West Adams, Suite 4000
Phoenix, Arizona 85007

23 Michelle Probes
24 Board staff

1 **BEFORE THE REVIEW COMMITTEE OF THE ARIZONA MEDICAL BOARD**

2 In the Matter of

3 **ABDULLAH M. YONAN, M.D.**

4 Holder of License No. 27691
5 For the Practice of Allopathic Medicine
6 In the State of Arizona.

Case No. MD-21-0361A

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER FOR LETTER
OF REPRIMAND**

6 The Review Committee of the Arizona Medical Board ("Board") considered this
7 matter at its public meeting on April 6, 2022. Abdullah M. Yonan, M.D. ("Respondent"),
8 appeared with legal counsel, Flynn Carey, Esq., before the Review Committee for a
9 Formal Interview pursuant to the authority vested in the Board by A.R.S. § 32-1451(P).
10 The Review Committee voted to issue Findings of Fact, Conclusions of Law and Order for
11 Letter of Reprimand after due consideration of the facts and law applicable to this matter.

12 **FINDINGS OF FACT**

13 1. The Board is the duly constituted authority for the regulation and control of
14 the practice of allopathic medicine in the State of Arizona.

15 2. Respondent is the holder of license number 27691 for the practice of
16 allopathic medicine in the State of Arizona.

17 3. The Board initiated case number MD-21-0361A after receiving notification
18 that Respondent's clinical privileges at a Hospital had been summarily suspended based
19 on allegations of unprofessional conduct arising out of a disagreement with a staff nurse
20 over patient care.

21 4. On April 17, 2021, Respondent ordered that a patient's sedation be stopped,
22 and that the patient should be weaned off the ventilator. The Nurse to whom Respondent
23 gave the order disagreed, based on a concern over waking the patient too rapidly. The
24 Nurse and witnesses reported that Respondent put his arm around her shoulder and
25 forcibly walked her to the patient's room where the Nurse and witnesses reported that

1 Respondent yelled at her to adjust the medication. The Nurse reported complying with
2 Respondent's request. In his original discussion with the Hospital CMO, Respondent
3 stated that he had hugged the nurse. During an interview with Hospital staff, Respondent
4 subsequently denied initiating contact with the Nurse, stating instead that she initiated a
5 hug and that he put his arm on her shoulder and walked to the patient's room.
6 Respondent denied yelling at the Nurse. Respondent was required to complete an
7 intensive, in-person continuing medical education ("CME") course in professional
8 boundaries and apologize to the Nurse.

9 5. In June 2021, Respondent completed an intensive, in-person CME course in
10 professional boundaries for a total of 39.50 CME credits.

11 6. On May 7, 2021, Respondent's privileges were reinstated based on his
12 compliance with the Hospital's requirements.

13 7. In his initial response to the Board, Respondent also stated that the Nurse
14 initiated contact by hugging and denied yelling at the Nurse.

15 8. During a Formal Interview on this matter, Respondent testified that the plan
16 for the patient was to reduce his sedation and extubate him, and that the Nurse failed to
17 follow orders. When asked to discuss what he learned from the CME course, Respondent
18 stated that he learned to improve his communication, although he felt that he was
19 communicating very clearly. Respondent reiterated the sequence of events from his
20 perspective, stating that he did not intend to initiate contact with the nurse, only to point to
21 the room. However, he stated that the nurse initiated a hug. Respondent stated that he
22 learned from the CME that people can perceive things differently and that he was sorry for
23 what happened. Respondent offered to provide an audio recording of an interview that
24 occurred between himself and the Hospital CMO.

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1 9. In response to Board member's question, Board staff noted inconsistencies
2 in explanatory statements made by Respondent during the course of investigation by both
3 the Hospital and the Board. Board staff noted that the Hospital records including the
4 CMO's notes from the conversation that Respondent had been provided for review and
5 response during the course of the investigation, and confirmed that Respondent had not
6 provided the recording to Board staff prior to the Formal Interview.

7 10. During that same Formal Interview, Review Committee members discussed
8 the appropriate outcome of the case. In response to an argument made by Respondent's
9 counsel regarding whether A.R.S. § 32-1401(27)(r) should be applied to the case at bar,
10 Committee members noted that the Nurse was a member of the public, and that the
11 situation created a risk of harm to the patient. Committee members commented that the
12 physician should have followed chain of command to resolve the disagreement with the
13 Nurse, and taken the issue to her supervisor. Committee members agreed that there were
14 other ways to resolve the case that did not involve physical touching. Committee
15 members also agreed that there is the potential for patient harm when the members of a
16 care team cannot communicate and work together appropriately.

17 CONCLUSIONS OF LAW

18 1. The Board possesses jurisdiction over the subject matter hereof and over
19 Respondent.

20 2. The conduct and circumstances described above constitute unprofessional
21 conduct pursuant to A.R.S. § 32-1401(27)(r) ("Committing any conduct or practice that is
22 or might be harmful or dangerous to the health of the patient or the public.").

23 3. The conduct and circumstances described above constitute unprofessional
24 conduct pursuant to A.R.S. § 32-1401(27)(jj) ("Exhibiting a lack of or inappropriate
25 direction, collaboration or direct supervision of a medical assistant or a licensed, certified

1 or registered health care provider employed by, supervised by or assigned to the
2 physician.”)

3 4. The conduct and circumstances described above constitute unprofessional
4 conduct pursuant to A.R.S. § 32-1401(27)(kk) (“Knowingly making a false or misleading
5 statement to the board or on a form required by the board or in a written correspondence,
6 including attachments, with the board.”).

7 **ORDER**

8 IT IS HEREBY ORDERED THAT:

- 9 1. Respondent is issued a Letter of Reprimand.

10 **RIGHT TO PETITION FOR REHEARING OR REVIEW**

11 Respondent is hereby notified that he/she has the right to petition for a rehearing or
12 review. The petition for rehearing or review must be filed with the Board’s Executive
13 Director within thirty (30) days after service of this Order. A.R.S. § 41-1092.09(B). The
14 petition for rehearing or review must set forth legally sufficient reasons for granting a
15 rehearing or review. A.A.C. R4-16-103. Service of this order is effective five (5) days after
16 date of mailing. A.R.S. § 41-1092.09(C). If a petition for rehearing or review is not filed,
17 the Board’s Order becomes effective thirty-five (35) days after it is mailed to Respondent.

18 Respondent is further notified that the filing of a motion for rehearing or review is
19 required to preserve any rights of appeal to the Superior Court.

20 DATED AND EFFECTIVE this 9th day of June, 2022.

21 ARIZONA MEDICAL BOARD

22
23 By Patricia E. McSorley
24 Patricia E. McSorley
25 Executive Director

1 EXECUTED COPY of the foregoing mailed
2 this 9th day of June, 2022 to:

3 Abdullah M. Yonan, M.D.
4 Address of Record

5 Flynn Carey, Esq.
6 Mitchell Stein Carey Chapman, PC
7 2600 North Central Avenue, Suite 1000.
8 Phoenix, Arizona 85004
9 Attorney for Respondent

10 ORIGINAL of the foregoing filed
11 this 9th day of June, 2022 with:

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13 1740 West Adams, Suite 4000
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17 Board staff
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