



Arizona Board of Osteopathic Examiners In Medicine and Surgery

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BRIEF GUIDE TO BOARD MEETINGS

Board Members: The Board is made up of five osteopathic doctors and two members of the public who do not have financial ties to the osteopathic profession. The doctors were all nominated by the AZ Osteopathic Medical Association to the Governor for appointment. The public members applied directly to the Governor's office. The Governor appointed each member to a five-year term. Each member may serve a second consecutive five-year term, if re-appointed. The terms are staggered so that no more than two terms expire in any given year. The Board elects its officers each January.

Staff: There are typically five staff members at a Board meeting: the Executive Director, the Assistant Attorney General (AAG), the Medical Consultant and the Deputy Director. A fifth staff member often attends to provide general assistance to the Board, the staff, and the public. All are on the Board's staff, except the Assistant Attorney General. In addition, there is a court reporter that transcribes the administrative and investigative hearings.

Board Computers: The computers that the Board members and staff consult throughout the meeting contain all of the records, reports, statements, and documents that the staff has gathered to support the items on the Board's agenda. The Board members receive the file (referred to as the 'Board Book') about ten days before the meeting in order to review the material prior to the meeting. The staff may pass out additional materials at the meeting.

Board Agenda: By law, the Board can only make decisions on items that are on the agenda for that day. All items have to have been put on the agenda at least 24 hours before the meeting and the agenda has to be posted in a place where the public can see it before the meeting. Most often, the items are called in the order of the agenda. However, the President may call items on the agenda in any order. The President also calls the recesses and lunch break, although they are not on the agenda.

Agenda Segments: The agenda is segmented according to the subject matter and the types of decision the Board may make. The most frequently used agenda segments are explained on the back of this sheet. The agenda for the meeting you are at may not include all of the segments. If there is no business that falls into a segment, that segment is not included on the agenda for that meeting.

Open (or Public) and Executive Session: By law, the Board must make its decisions in open session, where the public can hear the decision. Most discussions are also held in Open Session. However, the law allows the Board to conduct certain discussions in Executive Session; that is, a part of the meeting that is closed to the public. The Board's most frequent reason for Executive Session is to obtain legal advice. If the Board goes into Executive Session, you may be asked to leave the room, or the Board members, the Executive Director, and the AAG may leave to conduct the session in another room.

Recusal: Board members are required to recuse themselves, and not discuss or decide a case if they have a conflict of interest. Most conflicts of interest are because the Board member has a financial connection to someone involved in the case. Board members sometimes voluntarily recuse themselves from a case for other reasons, to assure the public that the case is being decided fairly.

EXPLANATION OF AGENDA SEGMENTS:

Call to Order: The meeting may be called to order at or after the posted time, but not before.

Roll Call: Establishes that a quorum (majority) is present and decisions can legally be made.

President's Report: Includes whatever the President wishes to report.

Minutes: Approval of minutes from previous meeting. Open session minutes are a public record that anyone can see. Executive session minutes are confidential.

Call to the Public: All public meetings must have a time where anyone can bring issues before the government agency holding the meeting. If the issue brought up is not on the agenda specifically, the Board cannot make a decision at that meeting on the issue.

Administrative (formal) Hearings: These are conducted like trials. The AAG acts as the prosecutor; the Board is the judge and jury. The AAG and the doctor (or his/her attorney) present the case and question witnesses. After an Administrative Hearing, the Board may revoke the license, place it on suspension for more than a year, impose any lesser sanctions, or dismiss the case.

Investigative Hearings: In these hearings, the Board members ask questions of the doctor, the complainant (if present) and witnesses. The AAG only provides legal advice to the Board, just as the doctor's attorney may provide legal advice to the doctor. After an Investigative Hearing, the Board may suspend the license up to a year, place it on probation, issue a decree of censure, levy a fine, or impose any combination of those sanctions. The Board may also move the case to an Administrative Hearing, may issue a Letter of Concern (a non-disciplinary action) or dismiss the case.

Re-hearings or Reviews of Decisions: This is the first step in appealing a disciplinary action taken by the Board. The Board may grant the rehearing (and go back to Investigative or Administrative Hearing), or deny it. If the Board denies it, the doctor may then appeal the case to the Superior Court.

Compliance with Probation: Periodically, the Board hears reports on compliance. If a doctor is not in compliance, the doctor may be asked to appear before the Board to discuss the matter.

Case Reviews: This is the paper review of the case. It is the first time the Board as a whole has reviewed it. Three Board members (not a quorum) individually reviewed each case after the staff compiled all of the necessary medical records and statements. At this stage, the Board typically either dismisses the case or votes it to Investigative Hearing for further consideration and possible sanction. If the Board finds that the doctor's conduct presents an immediate danger to the health, welfare, and safety of the public, the Board can Summarily (immediately) Suspend the doctor's license. Summary Suspensions, by law, go promptly to Administrative Hearings.

Applications: The Board reviews applications for permit, license, or renewal that present histories of unprofessional conduct or malpractice. The Board may decide to issue the license or permit, to issue the permit or license contingent on the applicant agreeing to probation, or may deny the application.

Executive Director's Report: Includes financial & administrative concerns of the Board as an agency (business).