



**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

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Jerry G. Landau, J.D.
Martin Reiss, D.O.
Lew Riggs, Ed.D.
Vas Sabeeh, D.O.
Michael P. Ward, D.O.

Governor
Janice K. Brewer

Executive Director
Jenna Jones

**MINUTES OF THE PUBLIC BOARD MEETING OF
THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

Saturday, July 19, 2014

BOARD MEMBERS PRESENT:

Scott Steingard, D.O. President
Jerry G. Landau, J.D.
Lew Riggs, Ed.D.
Vas Sabeeh, D.O.
Michael Ward, D.O. (8:45 a.m.)

BOARD MEMBERS ABSENT:

Douglas Cunningham, D.O., Vice-President
Martin Reiss, D.O.

STAFF / OTHERS PRESENT:

Jenna Jones, Executive Director
Barbara Meyers, Deputy Director
Barbara Prah, D.O., Medical Consultant
John O'Hair-Schattenberg, Investigator
Kathy Fowkes, Admin. Asst. II, Licensing Division
Mary Williams, Assistant Attorney General
Debora Mitchell, CVR, Ottmar & Associates

1. CALL TO ORDER

Board President Dr. Scott Steingard called the meeting to order at 8:23 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. Four board members were present, establishing quorum for the meeting. The Executive Director reviewed the agenda.

3. CALL TO THE PUBLIC

- A. Dr. Steingard welcomed the Medical Students from Arizona College of Osteopathic Medicine at Midwestern University, Kirksville College of Osteopathic Medicine and A.T. Still University School of Osteopathic Medicine in Arizona.
- B. The Board's custom is to ask members of the public to speak when the agenda item of interest to the person is called. Members of the public who wanted to address the Board on an issue not on the agenda were invited to speak prior to the adjournment.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

May 10, 2014 Open Session

MOTION: Mr. Landau moved to approve the minutes. Mr. Riggs seconded.

VOICE VOTE: The motion carried 4-0.

May 10, 2014 Executive Session

MOTION: Mr. Landau moved to approve the minutes. Mr. Riggs seconded.

VOICE VOTE: The motion carried 4-0.

5. REVIEW, CONSIDERATION AND ACTION ON REHEARING OR REVIEW OF DECISION

A. Jeff Allen Baird, DO

Case No. DO-13-0041A

License No. 2431

Dr. Baird was present with attorney David Williams and was sworn in by the court reporter. Dr. Steingard acknowledged that he had not been present at the meeting during which this case was heard. However, he has reviewed all the materials related to the case and asked Dr. Baird and his attorney if they would prefer if Dr. Steingard recused himself from the case. Dr. Baird and Mr. Williams consented to have Dr. Steingard participate in the review, consideration and action on Dr. Baird’s request for rehearing. The case was discussed briefly. During discussion it was realized the matter concerned events at a Board meeting prior to Mr. Riggs’ appointment to the Board. The matter was tabled until quorum for this case could be established.

Dr. Ward arrived at 8:45 a.m., establishing quorum for this case. Dr. Baird addressed the Board and apologized for his demeanor at the previous Board meeting. Mr. Williams also addressed the Board with his concerns and requests supporting his reasons for a rehearing.

MOTION: Mr. Landau moved to deny a rehearing. Dr. Sabeeh seconded.

ROLL CALL VOTE: The motion carried 4-0. Mr. Riggs abstained.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh	Dr. Ward
YES	4	X		X			X	X
NO	0							
ABSTAIN/RECUSE	1					X		
ABSENT	2		X		X			

6. REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (C through F).

Case Reviews

A. Kevin O’Donnell, DO

Case No. DO-14-0001A

License No. 005034

Dr. O’Donnell was not present. This case involved treatment for ongoing and chronic knee pain.

MOTION: Mr. Landau moved for a dismissal of the case. Mr. Riggs seconded.
 After further discussion, the motion and second were withdrawn.

MOTION: Dr. Steingard moved for an **Investigative Hearing**. Mr. Landau seconded.

ROLL CALL VOTE: The motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh	Dr. Ward
YES	5	X		X		X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2		X		X			

- B. James Hess, DO Case No. DO-13-0142A License No. 2309

Mr. Landau and Mr. Riggs were recused. This matter was continued because quorum could not be established for this case.

- C. Gaylon Crawford, DO Case No. DO-13-0107A License No. 2923

Dr. Crawford was present with attorney Gordon Lewis. This case involved a patient summarily discharged from the practice for possible abuse of narcotic medications and threatening behavior. The complainant felt he was discharged without cause and had not received written notice of discharge. Dr. Crawford stated he was an employee of the practice and was not involved in the matter. After discussion and consideration, it was determined there was no statutory violation.

MOTION: Mr. Riggs moved for **Dismissal**. Dr. Ward seconded.

ROLL CALL VOTE: The motion carried 4-1.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh	Dr. Ward
YES	4	X				X	X	X
NO	1			X				
ABSTAIN/RECUSE	0							
ABSENT	2		X		X			

The Board directed staff to refer this case to the Arizona Medical Board.

- D. Narinder Brar, DO Case No. DO-13-0226A License No. 4368

Dr. Brar was present. This case involved a complaint that a procedure was performed that the patient did not consent to. Dr. Brar stated that only the procedure discussed with the patient and consented to by the patient was performed. The case was reviewed by a board-certified physician reviewer who found there was no deviation from the standard of care and all appropriate consents were obtained. After discussion and consideration, it was determined there was no statutory violation.

MOTION: Dr. Ward moved for **Dismissal**. Mr. Landau seconded.
VOICE VOTE: The motion carried unanimously.

E. Theodore Collins, DO Case No. DO-13-0074A License No. 4753

Dr. Collins was not present. His attorney, Carol Romano, was present. The Medical Consultant reviewed the case. Ms. Romano addressed the Board.

MOTION: Dr. Ward moved for an **Investigative Hearing**. Dr. Steingard seconded.
VOICE VOTE: The motion carried unanimously.

Reviews of Executive Director Dismissals:
 A. None

The Board recessed at 9:42 am for Committee B meeting and for a short break. The Board resumed Open Session at 10:08 a.m.

7. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E) ONLY.

A. Lawrence Ryan, DO Case No. DO-13-0060A License No. 2014

Dr. Ryan was present with attorney Stephen W. Myers and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Ryan and Mr. Myers each addressed the Board. Dr. Ryan answered the Board’s questions. After discussion and consideration, it was determined there was no statutory violation.

MOTION: Dr. Ward moved for **Dismissal**. Mr. Riggs seconded.
ROLL CALL VOTE: The motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh	Dr. Ward
YES	5	X		X		X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2		X		X			

B. Angela DeRosa, DO (continued) Case No. DO-13-0134A License No. 4223

C. Alphonse Ambrosia, DO Case No. DO-13-0193A License No. 2705

Dr. Ambrosia was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Ambrosia answered the Board’s questions. The Board felt it was unfortunate Dr. Ambrosia was not provided the EKG and was not provided a complete report by the nurse or the hospitalist which would have allowed him to make a more informed decision about the needs of the patient. However, as the consulting cardiologist he was ultimately responsible. The Board appreciated Dr. Ambrosia has made changes to his practice to prevent such an event in the future.

MOTION: Mr. Landau moved for **Dismissal**. Dr. Ward seconded.
ROLL CALL VOTE: The motion carried 4-1.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh	Dr. Ward
YES	4			X		X	X	X
NO	1	X						
ABSTAIN/RECUSE	0							
ABSENT	2		X		X			

- D. Adam Sorensen, DO Case No. DO-14-0152A PGT Permit No. R2100

This case was heard in conjunction with Case No. DO-14-0174A. Dr. Sorensen was present with attorney Stephen W. Myers and was sworn in by the court reporter. This case involved practicing medicine without a license as a result of failing to renew a postgraduate training permit. Dr. Sorensen addressed the Board. Dr. Stephen Kessler, D.O., Program Director, was sworn in by the court reporter and addressed the Board. Dr. Sorensen and Dr. Kessler answered the Board's questions. Dr. Kessler stated he was not aware prior to this event that it was the responsibility of the program and not the resident to make certain each resident had a postgraduate training permit or license. He stated their residency program has changed its contracts and practices to prevent this event from happening again.

The Board tabled this case and adjudicated Case No. DO-14-0174A, then returned to this case.

MOTION: Mr. Landau moved for **Dismissal**. Dr. Sabeeh seconded.
VOICE VOTE: 5-0.

- E. Christine Walker, DO (continued) Case No. DO-14-0014A License No. 006029

8. CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDERS AND REQUESTS TO MODIFY OR TERMINATE ORDERS, PURSUANT TO A.R.S. §32-1855 (E) AND (I).

- A. Ramon Morales, DO Case No. DO-11-0038A and DO-11-0174A License No. 4391

Dr. Morales was present. Dr. Morales stated he has been in compliance with all terms of his order and requested a termination of his probation. The Executive Director stated the practice monitors have done only one review and in that report it highlighted several areas needing improvement. The Board has not received a second report verifying that recommended changes had taken place. Dr. Morales stated he has been unable to pay the monitoring company so they will not complete another review. He is having trouble finding work due to the restrictions on his license. The Board directed staff to draft which would continue to require the monitoring and testing but could remove the probationary status in the form of a Consent Agreement and table the matter until the Consent Agreement is ready for Board consideration.

- B. Lucinda Michel, DO Case No. DO-12-0102A and DO-11-0017A License No. 4314

Dr. Michel was present. Dr. Michel requested to modify the consent agreement to remove all restrictions. The Deputy Director reported that Dr. Michel has been in compliance with all terms of the agreement.

MOTION: Mr. Landau moved to terminate the order in DO-12-0102A. Dr. Ward seconded.
VOICE VOTE: The motion carried unanimously.

MOTION: Mr. Landau moved to terminate the order which includes probation in DO-11-0017A. Dr. Ward seconded.
ROLL CALL VOTE: The motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh	Dr. Ward
YES	5	X		X		X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2		X		X			

Board recessed for lunch at 12:20 pm and returned to Open Session at 12:59 pm.

- C. E. Griffin Cipolla, DO Case No. DO-12-0073A License No. 2811

Dr. Cipolla was not present. However, he sent a letter which the Board reviewed. He was to complete 20 hours CME in boundary issues. He claimed he was not able to find affordable CME in this area. He requested a 6 month extension to complete the Board's order.

MOTION: Dr. Steingard moved to grant an extension to the January 2015 meeting. Dr. Ward seconded.
VOICE VOTE: The motion carried 5-0.

9. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. § 32-1822; PERMITS PURSUANT TO A.R.S. § 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. § 32-1825 (C-D) AND A.A.C. R4-22-207.

- A. Lynne Pirie, DO (continued) Case No. DO-14-0049A Application No. 006370
 B. Steve Tseng, DO Case No. DO-14-0156A PGT Permit No. R2378

Dr. Tseng was present. The Executive Director reviewed the case. Dr. Tseng answered yes on his permit application regarding a DUI in October 2009. He has completed all terms of the court order and no further events have occurred.

MOTION: Dr. Sabeeh moved to grant the permit. Dr. Ward seconded.
VOICE VOTE: The motion carried 5-0.

- C. Pooja Mundrati, DO Case No. DO-14-0134A Application No. 006407

Dr. Mundrati was present. The Executive Director reviewed the case. Dr. Mundrati answered yes on her license application regarding a DUI in May 2008. She has completed all terms of the court order and no further events have occurred.

MOTION: Dr. Sabeeh moved to approve the license application. Dr. Ward seconded.
VOICE VOTE: The motion carried 5-0.

- D. Andrew Epstein, DO Case No. DO-14-0123A Application No. 006454

Dr. Epstein was present with his sister who said she was an attorney. It was determined she is not licensed in Arizona. The Executive Director reviewed the case. Dr. Epstein disclosed two incidents regarding convictions in May 2007. The first involved a DUI charge with unsafe lane change. He completed all terms of the court order and no further events have occurred. The second involved criminal littering and violating a park curfew. He reports he completed the court ordered community service.

MOTION: Dr. Ward moved to approve the license application. Dr. Sabeeh seconded. After further discussion, the motion and second were withdrawn.

Dr. Sabeeh moved to enter Executive Session to review records and testimony regarding records which are confidential by statute. Dr. Steingard seconded. The Board entered Executive Session at 1:15 pm and returned to Open Session at 1:24 pm.

The Board made a comprehensive request for additional information involving the criminal charges, including police reports, and additional follow up with the county attorney. The Board continued the case until this information is received.

E. Michael Colonna, DO Case No. DO-14-0130A PGT Permit No. R2094

Dr. Ward was recused.

Dr. Colonna was present with attorney Mark Bogard, and was sworn in by the court reporter. The Executive Director reviewed the case. In the documentation submitted with his postgraduate training permit application, Dr. Colonna disclosed two yes answers related to issues previously known to the Board and either adjudicated or under investigation involving the loss of privileges or actions during his post graduate training. However, the verification received from his residency advised of two academic probations which Dr. Colonna did not disclose on his application as well as a “behavioral probation” for the remainder of his residency. The Board expressed concern regarding his personal decision making. After discussion and consideration, it was determined there was no statutory violation.

MOTION: Dr. Sabeeh moved to renew Dr. Colonna’s postgraduate training permit. Mr. Riggs seconded.

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh	Dr. Ward
YES	5	X		X		X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2		X		X			

F. Virginia Rutz, DO Case No. DO-14-0143A Application No. 006457

Dr. Rutz was present. The Executive Director reviewed the application. Dr. Rutz has not practiced clinical medicine since 2008. She disclosed a prior Board action which occurred in Arizona for prescribing practices. She was placed on probation in December 1997 which was terminated in November 1999. Dr. Rutz answered the Board’s questions. The Board discussed a re-entry into practice plan.

MOTION: Dr. Steingard moved to make a comprehensive substantive request to Dr. Rutz for her undergo a practice evaluation at CPEP, PACE or similar practice assessment approved by the Executive Director and to pass the COMVEX or SPEX exam. Dr. Ward seconded.

ROLL CALL VOTE: The motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh	Dr. Ward
YES	5	X		X		X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2		X		X			

G. Lynn Sweet, DO Case No. DO-13-0203A Application No. 006283

Dr. Sweet was present. The Executive Director reviewed the application. Dr. Sweet applied for licensure previously and the Board had made a substantive review request to obtain a CPEP assessment and complete a residency or preceptorship. The CPEP assessment included profound deficiencies and proposed a preceptor plan, but it would require Dr. Sweet to hold a license. With this stipulation, it would be necessary for the Board to approve the plan or consider other options. The Board acknowledged its intent was not to license before the remedial training or residency was successfully completed. The Executive Director stated CPEP did not have an alternative plan. The Board discussed several options.

The Board entered Executive Session to obtain legal advice at 2:35 pm and returned to Open Session at 2:47 pm.

The Board expressed its concern that the physician willing to preceptor Dr. Sweet did not complete a residency and does not have a wide enough range of practice to allow Dr. Sweet to have a structured, comprehensive return to practice. Dr. Sweet's plan is not sufficient to provide or demonstrate that an acceptable level of knowledge is established before allowing him to return to practice or granting him a license. Arizona does not offer a re-entry type license as Colorado does.

The Board continued this case to allow Dr. Sweet time before the September Board meeting to present an acceptable preceptorship plan. His application is set to expire in September.

H. Adam Sorensen, DO Case No. DO-14-0174A PGT Permit No. R2100

Dr. Sorensen was present with attorney Steve Myers. This case was adjudicated with Case. No. DO-14-0152A.

MOTION: Mr. Landau moved to grant the permit. Dr. Ward seconded.

VOICE VOTE: The motion carried 5-0.

I. David Parrack, DO Case No. DO-14-0178A Application No. 006498

Dr. Parrack was present. The Executive Director reviewed the application. Dr. Parrack meets the qualifications of education and training but he has not held an active license since 2010 and has not practiced clinical medicine since 2006. Dr. Parrack answered the Board's questions. Dr. Parrack stated since 2005 he has served as the Chair of Surgery and Anesthesia at Midwestern University. In this position he has developed and taught extensive surgical courses and distance learning programs. He also mentors students towards matching in the residency of their choice with great success. He stated he was not intending to go back to urological surgery and was intending to practice office urology only. Based upon his continued ongoing work in teaching the Board felt a re-entry plan was not necessary.

MOTION: Mr. Landau moved to approve the license application. Mr. Riggs seconded.

ROLL CALL VOTE: The motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh	Dr. Ward
YES	5	X		X		X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2		X		X			

10. REPORTS FROM EXECUTIVE DIRECTOR, BOARD MEMBERS, and ASST ATTORNEY GENERAL

A. Report on ED Dismissed Complaints

There were none to report.

B. President & Board Member reports

Dr. Steingard reported on a letter from the ACOFP. This item will be put on the next agenda for discussion.

C. Executive Director Report

The budget reports for the past month and a complaint update were provided to the Board members. No action was taken. Dates for future Board meetings were discussed. The Executive Director provided an update regarding the Opioid Prescribing seminar being presented throughout the state this year. She reviewed the status of the computer stations for the Board members which should be operational at the September meeting.

D. Updates on new legislation:

- a. HB2260
- b. HB2087

The Executive Director reviewed the bills and how they will affect the Board.

D. Board may review, discuss and take action on Board member training.

The Board reviewed options for training. No action was taken.

E. Board may review, discuss and take action on proposed budget and increase for ISA with Attorney General's office.

The Board approved an increase for ISA because the Board needs more time from the AAGs.

G. Clarification on three-reviewer process regarding recusals

The Executive Director advised the Board that staff would send a recused case to the seventh member of the Board for evaluation.

11. ADJOURNMENT

The Board adjourned at 4:12 pm.