



Governor
Douglas A. Ducey

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**
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Gary A. Erbstoesser, D.O.
Jerry G. Landau, J.D.
Martin Reiss, D.O.
Lew Riggs, Ed.D.
Vas Sabeeh, D.O.

Executive Director
Jenna Jones

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

Saturday, April 11, 2015

BOARD MEMBERS PRESENT:

Scott Steingard, D.O. President
Douglas Cunningham, D.O., Vice-President
Gary A. Erbstoesser, D.O.
Jerry G. Landau, J.D.
Martin Reiss, D.O.
Vas Sabeeh, D.O.

BOARD MEMBERS ABSENT:

Lew Riggs, Ed.D.

STAFF / OTHERS PRESENT:

Jenna Jones, Executive Director
Linda Kiesler, Investigations Manager
Barbara Prah, D.O., Medical Consultant
John O'Hair-Schattenberg, Investigator
Kathy Fowkes, Licensing Administrator
Jeanne Galvin, Assistant Attorney General
Sheryl L. Henke, RPR & CCR, Ottmar & Associates (morning)
Deborah Mitchell, CVR, Ottmar & Associates (afternoon)

1. CALL TO ORDER

Dr. Scott Steingard, Board President, called the meeting to order at 8:15 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. Six 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

February 21, 2015 Open Session

MOTION: Dr. Cunningham moved to approve the minutes. Dr. Reiss seconded.

VOICE VOTE: Motion carried 5-0-1. Dr. Erbstoesser abstained.

February 21, 2015 Executive Session

MOTION: Dr. Cunningham moved to approve the minutes. Dr. Reiss seconded.

VOICE VOTE: Motion carried 5-0-1. Dr. Erbstoesser abstained.

March 31, 2015 Teleconference Session

MOTION: Dr. Cunningham moved to approve the minutes. Dr. Reiss seconded.

VOICE VOTE: Motion carried 5-0-1. Dr. Sabeeh abstained.

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

Case Reviews

A. Kenneth Stephen, D.O. Case No. DO-14-0229A License No. 3908

The Respondent and Complainant were not present. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Mr. Landau moved for **Dismissal**. Dr. Cunningham seconded.

VOICE VOTE: Motion carried 6-0.

B. Will Jeffers, D.O. Case No. DO-14-0246A License No. 3307

The Respondent and Complainant were not present. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Reiss seconded.

VOICE VOTE: Motion carried 6-0.

C. Michael Trainor, D.O. Case No. DO-14-0278A License No. 4039

The Respondent and Complainant were not present. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Reiss seconded.

VOICE VOTE: Motion carried 6-0.

D. Tonya Whiting, D.O. Case No. DO-14-0262A License No. 006408

The Respondent and Complainant were not present. After discussion and consideration, the Board determined there was no statutory violation. Board directed staff to draft a letter to Dr. Whiting to encourage her to make certain she has checks and balances in place to ensure patients are properly notified of test results in a timely manner.

MOTION: Dr. Reiss moved for **Dismissal**. Dr. Erbstoesser seconded.

VOICE VOTE: Motion carried 6-0.

E. Michael Sheehy, D.O. Case No. DO-14-0281A License No. 4241

The Respondent and Complainant were not present. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Erbstoesser seconded.

VOICE VOTE: Motion carried 6-0.

F. Brian Page, D.O. Case No. DO-14-0249A License No. 3416

The Respondent and Complainant were not present. After discussion and consideration, the Board determined there was no statutory violation. Board directed staff to refer the matter to the Nursing Board.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Reiss seconded.

VOICE VOTE: Motion carried 6-0.

6. REVIEW, CONSIDERATION AND ACTION ON MATTERS HEARD AT THE OFFICE OF ADMINISTRATIVE HEARINGS

A. Lynn Sweet Case No. DO-13-0203A (14A-DO13-0203A-OST) Appeal of denial of application

Dr. Sweet was present. Mr. Christopher Munns, Asst Attorney General, Solicitor General and Opinions Division was present to provide the Board with legal advice. The Board considered the Administrative Law Judge Decision in this case. Jeanne Galvin, Asst Attorney General, Licensing and Enforcement Section, represented the State of Arizona and presented a Motion to Modify the Administrative Law Judge's recommendation to correct typographical errors and add a paragraph describing evidence presented during the hearing which further demonstrates Dr. Sweet is not sufficiently rehabilitated and does not qualify for licensure due to significant weaknesses of medical knowledge and poor performance on the exams, as well as the fact that his clinical judgment and reasoning were lacking.

Dr. Sweet asked the Board to reconsider denial of his application and accept his plan. Ms. Galvin reminded the Board that the CPEP program required Dr. Sweet hold a license and during the Administrative Hearing Dr. Brysacz, as the State's expert witness, stated the CPEP program was not sufficient for Dr. Sweet's rehabilitation. The Board asked Dr. Sweet if he had anything new to offer for his rehabilitation. Dr. Sweet stated he was here hoping the Board would recommend something.

MOTION: Dr. Sabeeh moved to uphold the recommendation with the modifications by State. Dr. Cunningham seconded.

After discussion, Dr. Sabeeh and Dr. Cunningham withdrew their motion.

MOTION: Mr. Landau moved to adopt the recommendations of the Administrative Law Judge's Findings of Fact with the modifications as proposed by the State. Dr. Cunningham seconded.

VOICE VOTE: Motion carried 6-0.

MOTION: Mr. Landau moved to adopt the recommendations of the Administrative Law Judge's Conclusions of Law with the modifications as proposed by the State. Dr. Cunningham seconded.

VOICE VOTE: Motion carried 6-0.

MOTION: Mr. Landau moved to affirm the Administrative Law Judge's recommendation to **Deny** licensure with the above noted modifications. Dr. Cunningham seconded.

VOICE VOTE: Motion carried 6-0.

The Board recessed for a short break at 9:40 a.m. and resumed Open Session 9:48 a.m.

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

A. S. Foster Easley, D.O.

Case No. DO-13-0135A

License No. 3212

Dr. Easley was not present when the case was called. His attorney Jessica Miller was present.

Dr. Cunningham moved for Executive Session for the purpose of legal advice. Dr. Reiss seconded. The Board entered Executive Session at 8:50 a.m. and returned to Open Session at 8:58 a.m.

Dr. Easley arrived at 8:52 a.m.

MOTION: After considering the dates of notice, Mr. Landau moved to deny Dr. Easley's motion to continue the case. Dr. Cunningham seconded.

VOICE VOTE: Motion carried 6-0.

The attorney requested reconsideration of the continuance request she submitted to the Board yesterday, April 10, 2015, due to not having enough time to respond to the concerns raised in the chart review report completed by the Medical Consultant. The Board pointed out that Dr. Easley and the attorney had the report for five (5) weeks and had opportunity to respond or request continuance in a timely manner. The Board pointed out that the members of the Board had prepared for this hearing and the Complainant was also present. The Board acknowledged the need to balance all involved in this hearing.

Mr. Landau withdrew his motion. Dr. Cunningham seconded the withdrawal.

MOTION: Mr. Landau moved to deny, without prejudice, the motion to continue the case. Dr. Cunningham seconded.

VOICE VOTE: Motion carried 6-0.

This case was tabled temporarily to hear agenda item 6A and resumed at 9:48 a.m.

The Investigator reviewed the case including the fact that the Board requested a response to the complaint at least six (6) times over 1½ years. Other than a request for a short extension in March of 2013, Dr. Easley failed to respond to the complaint until December 3, 2014.

Dr. Easley was sworn in by the court reporter and answered the Board's questions. The Board pointed out to Dr. Easley that failure to respond to a complaint is unprofessional conduct and asked for an explanation for this failure. Dr. Easley stated he was overwhelmed by the information that needed to be addressed, intended to get legal representation, but due to other concerns regarding his employment and travel, he did not finish his response.

The Board asked for a response to numerous allegations in the complaint. After listening to Dr. Easley's answers, the Board expressed concern about his ability to safely practice medicine.

The Board invited the Complainant to come forward. The Complainant was sworn in by the court reporter and answered the Board's questions.

Dr. Sabeeh moved for Executive Session for the purpose of legal advice. Dr. Steingard seconded. The Board entered Executive Session at 10:57 a.m. and returned to Open Session at 11:04 a.m.

The Board expressed concerns regarding Dr. Easley's competence to practice medicine, his judgment and thought processes. The Board expressed the need to know more about his ability to safely practice medicine.

MOTION: Mr. Landau moved to issue an **Interim Order** to include the following:

- a psychiatric evaluation by a psychiatrist preapproved by the Executive Director, to be completed in 90 days;
 - if the psychiatrist recommends it, a neuropsychiatric evaluation to be completed in 90 days;
 - complete PACE I and II, CPEP, or another similar evaluation approved by the Executive Director and to be completed within 90 days;
 - a physical exam by primary care physician with a report from the treating physician to the Board within 60 days;
 - provide a copy of the board certification for addictionology training; and
 - a copy of CME documentation in the area of addiction medicine completed in the past two (2) years within 10 days.
- Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

The Board directed the Medical Consultant and Investigator to visit Dr. Easley’s office at the beginning of the week to do a chart audit and evaluate the general state of the office.

The Board requested Ms. Miller provide a copy of Dr. Easley’s entire US Passport to the Board within 10 days.

This case was continued until July 2015 meeting. The Board instructed Dr. Easley and Ms. Miller to be prepared to discuss all allegations set forth in the investigative materials.

B. Philip Creps, D.O. Case No. DO-14-0316A License No. 006166

Dr. Creps was present and was sworn in by the court reporter. The Investigator reviewed the case. Dr. Creps answered the Board’s questions. The Board expressed concern that Dr. Creps committed fraud by prescribing a controlled drug to himself under another practitioner’s name.

MOTION: Mr. Landau moved for a finding of violation of A.R.S. § 32: 1854(6), (15), and (39) issuing and signing a prescription for oneself under another person’s name and legal authority to write prescriptions. Dr. Sabeeh seconded.

ROLL CALL VOTE: Motions carried 6-0.

MOTION: Mr. Landau moved for a **Disciplinary Letter of Concern** and civil penalty of \$100.00 to be paid within 30 days. Dr. Cunningham seconded.

ROLL CALL VOTE: Motions carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

C. Theron Tilgner, D.O. Case No. DO-14-0141A License No. 3501

Dr. Tilgner was present with attorney Jay Fradkin and was sworn in by the court reporter. The Medical Consultant reviewed the case which involved transection of a nerve during a surgical procedure. Dr. Tilgner answered the Board's questions. The Board expressed concern that, while Dr. Tilgner attempted to do all he could to repair a transected nerve which occurred during surgery, he did not seek expert care for his patient following the surgery.

MOTION: Mr. Landau moved for a **non-disciplinary Letter of Concern** for failing to seek expert care for his patient following a known complication during surgery. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

D. Steven Horrocks, D.O. Case No. DO-13-0144A License No. 005062

Dr. Horrocks was present with attorney Andy Plattner and was sworn in by the court reporter. The Medical Consultant reviewed the case. This case involved inappropriate prescribing.

MOTION: Dr. Reiss moved for a **non-disciplinary Letter of Concern** for inappropriate prescribing and **30 hours Continuing Medical Education** in the area of pain management and opioid prescribing within the next six (6) months and as approved by the Executive Director. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 5-1.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	5	X	X	X	X	X		
NO	1							X
ABSTAIN/RECUSE	0							
ABSENT	1						X	

E. Gerald Pass, D.O. Case No. DO-13-0006A License No. 2974

Dr. Pass was present with attorney Barry MacBan and was sworn in by the court reporter. The Medical Consultant reviewed the case. This case involved complications following a surgical procedure. Dr. Pass answered the Board's questions.

MOTION: Dr. Sabeeh moved for a **non-disciplinary Letter of Concern** for overall surgical management which led to complications. Dr. Erbstoesser seconded.

ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

F. Gerald Pass, D.O. Case No. DO-14-0241A License No. 2974

Dr. Pass was present with attorney Barry MacBan and remained sworn in by the court reporter. The Investigator reviewed the case. This case involved a DUI charge and a misdemeanor related to weapons discharge in a residential area. Dr. Pass answered the Board's questions.

Dr. Reiss moved to enter Executive Session to review records and testimony regarding records which are confidential by statute. Mr. Landau seconded. The Board entered Executive Session with Dr. Pass and Mr. MacBan at 12:52 p.m. and returned to Open Session at 1:10 p.m.

MOTION: Mr. Landau moved to issue a confidential Interim Order and would include what was discussed in executive session.

ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

G. Megan Goff Davidson, D.O. Case No. DO-14-0147A License No. 3756

Dr. Davidson was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. This case involved a delay in diagnosis due to failure to obtain pathology of the excised tissue. Dr. Davidson answered the Board's questions. She admitted she had no memory of this patient or the office visit and her records were inadequate to help her remember the event. The Complainant was present and was sworn in by the court reporter. The Complainant answered the Board's questions. The Board expressed concern that Dr. Davidson's record keeping regarding this case was inadequate.

MOTION: Mr. Landau moved for a **non-disciplinary Letter of Concern** for inadequate record keeping. Dr. Sabeeh seconded.

ROLL CALL VOTE: Motion carried 5-1.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	5	X		X	X	X		X
NO	1		X					
ABSTAIN/RECUSE	0							
ABSENT	1						X	

The Board recessed for a short break at 1:26 p.m. and returned to Open Session at 1:35 p.m.

H. John McCracken, D.O. Case No. DO-14-0080A License No. 0977

Dr. McCracken was not present. This case was continued.

I. Mark Davis, D.O. Case No. DO-14-0088A License No. 4810

Dr. Davis was present with attorney David Cohen and was sworn in by the court reporter. The Medical Consultant reviewed the case. After discussion and consideration, the Board found no statutory violations for alleged failure to provide test results and medical records in a timely manner.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Reiss seconded.
ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

The Board recessed for lunch at 1:47 p.m. and returned to Open Session at 2:18 p.m.

Agenda items J – R were called after 1:00 p.m.

J. Chidozie Joshua Ononuju, D.O. Case No. DO-13-0140A License No. 5007

Dr. Ononuju was present with attorney Paul Giancola and was sworn in by the court reporter. The Investigator reviewed the case. Dr. Ononuju is under probation by the Michigan Board of Osteopathic Medicine and Surgery. Georgia Composite Medical Board also disciplined him as a result of the Michigan action.

MOTION: Mr. Landau moved to table this case until the Michigan probation has been terminated and the Respondent holds an unrestricted Michigan license so long as there are no other complaints pending or brought to the attention of the Board. Upon termination notice from Michigan, the Executive Director may dismiss the case. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

K. Majaz Khan, D.O. (Continued) Case No. DO-14-0120A License No. 3918

L. Aaron DeGroot, D.O. Case No. DO-14-0128A License No. 4105

Dr. DeGroot was present and was sworn in by the court reporter. The Investigator reviewed the case which involved allegations of failure to provide medical records when properly requested.

MOTION: Dr. Reiss moved for **Dismissal**. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 5-1.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	5		X	X	X	X		X
NO	1	X						
ABSTAIN/RECUSE	0							
ABSENT	1						X	

M. Aaron DeGroot, D.O.

Case No. DO-14-0129A

License No. 4105

This case was heard in conjunction with Case No. DO-14-0120A. The Investigator reviewed the case which involved allegations of patient abandonment.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Reiss seconded.

ROLL CALL VOTE: Motion carried 4-2.

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

The Board directed staff to create guidelines for osteopathic physicians who are closing their practices to be approved by the Board at the May 2015 meeting. The Board requested staff to make the new guidelines available on the Board's website after they are approved.

The Board tabled the meeting to re-open Committee A meeting at 2:55 p.m. and returned to Open Session at 2:58 p.m.

N. J. Carvel Jackson, D.O. (Continued)

Case No. DO-14-0100A

License No. 2543

O. Carl Ferguson, D.O.

Case No. DO-14-0206A

License No. 2244

Dr. Ferguson was present and was sworn in. The medical Consultant reviewed the case.

The Board continued the case until Dr. Ferguson's attorney could be present.

P. Carl Ferguson, D.O. Case No. DO-14-0221A License No. 2244

Dr. Ferguson was present and was sworn in. The Medical Consultant reviewed the case.

The Board continued the case until Dr. Ferguson’s attorney could be present.

The Board tabled the meeting to re-open Committee B meeting at 3:10 p.m. and returned to Open Session at 3:12 p.m.

Q. Norman Gramstad, D.O. Case No. DO-14-0124A License No. 3181

Case No. DO-13-0175A was heard in conjunction with this case prior to actions taken in each case.

Dr. Gramstad was present with attorney Steven Perlmutter and was sworn in by the court reporter. The Executive Director reviewed the case which involved an interim practice agreement. She reported Dr. Gramstad completed the terms of the Interim Consent Agreement by undergoing an evaluation.

Dr. Sabeeh moved to enter Executive Session to obtain legal advice. Dr. Reiss seconded. The Board entered Executive Session at 3:28 p.m. and returned to Open Session at 3:40 p.m.

MOTION: Mr. Landau moved for a finding of **Unprofessional Conduct** for violation of A.R.S. § 32-1854(6), (38) due to failure to obtain routine labs and urine drug screens while treating diabetes; failing to obtain pharmacy audits; and failing to respond appropriately after the single urine drug screen performed was inconsistent with prescribed medications. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

R. Norman Gramstad, D.O. Case No. DO-13-0175A License No. 3181

Dr. Gramstad was present with attorney Steven Perlmutter and remained sworn in. The Medical Consultant reviewed the case which involved a pregnant patient for whom Dr. Gramstad continued to prescribe opioids and did not recognize was pregnant even though the medical record notes abdominal exams were performed. The Medical Consultant reported concerns with inappropriate prescribing with several patients as determined by a chart review. Dr. Gramstad answered the Board’s questions.

MOTION: Mr. Landau moved for a finding of **Unprofessional Conduct** for violation of A.R.S. § 32-1854(6), (38) for failure to follow standard of care in this case, specifically the concerns outlined by the Medical Consultant:

3. No laboratory was documented.
4. The patient had a cervical spine X-ray and an MRI was ordered but the results were not included in the medical record.
5. There were no drug screens documented. The patient was discharged when she failed to leave a urine sample for drug screen upon request in March of 2013. This was the first noted request for a drug screen.

6. There was no controlled substance contract signed.
7. No specific medication side effects were discussed, including the risk of using them while pregnant.
8. The controlled substance amount or type was not documented until November of 2011.
9. There was no pharmacy audit included in the medical record.
11. There was no mention of concern in the medical record regarding the patient's rapid weight gain during her pregnancy.

Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

MOTION for Cases DO-13-0175A and DO-14-0124A: Dr. Sabeeh moved to offer a **Consent Agreement** with Respondent to complete **120 hours of Continuing Medical Education** within six (6) months in the areas of medical record keeping, documentation, EKG interpretations, chronic pain management to be consistent with the recommendations in the CPEP assessment; to establish a practice monitor within 90 days to review charts and for the practice monitor to provide quarterly reports to the Board for one (1) year; voluntarily no longer prescribe Schedule 2 and 3 opioids and will submit a monthly submission of a pharmacy query to the Board. If Dr. Gramstad decides to prescribe Schedule 2 and 3 opioids again, he will come before the Board for permission. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

Dr. Steingard dismissed the students at 4:40 p.m.

The Board recessed for a short break at 4:40 pm. and returned to Open Session at 4:48 p.m.

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. Philip Bain, D.O.

Case No. DO-11-0106A

License No. 2302

Dr. Bain was present with attorney Anne Fulton-Cavett and was sworn in by the court reporter. The Investigator reported on a compliance check. The members of the all-female staff were interviewed separately and each acknowledged having been called upon to be a chaperone for female patients. Ms. Fulton-Cavett reported Dr. Bain has taken a 24 hour CME course at University of California at Irvine, and understands and maintains appropriate boundaries and is requesting to have the probation lifted.

MOTION: Mr. Landau moved to terminate the Probation. Dr. Reiss seconded.

ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

B. Afeworki Kidane, D.O.

Case No. DO-12-0081A/
DO-12-0111A

License No. 4458

Dr. Kidane was present with Dr. David Leighton, Neuropsychologist. The Executive Director reviewed the Order which restricted Dr. Kidane from prescribing opioids and marijuana and required him to undergo a CPEP evaluation. Following the CPEP recommendation, Dr. Kidane underwent a neuropsychiatric evaluation by Dr. Leighton. Dr. Leighton presented evidence to the Board which he believes supports the contention Dr. Kidane failed some of the CPEP screening tests due to the cultural bias inherent in the tests. Dr. Leighton stated he does not know of an available test which can accurately assess Dr. Kidane because we do not have Sudanese norms.

MOTION: Mr. Landau moved to consider a Consent Agreement in which Dr. Kidane voluntarily agrees not to prescribe schedule 2 & 3 opioids, complete the training courses recommended by CPEP.

ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

Staff was asked to hold a teleconference for the Board's review and consideration of the Consent Agreement in the next week or two.

C. Linda Davis, D.O. Case No. DO-13-0146A License No. 4555

Dr. Davis was not present. The Board discussed Dr. Davis' request to cancel her license or allow it to expire. Due to a pending complaint, the Board stated it is not able to accept her request to cancel her license.

MOTION: Dr. Cunningham moved to **deny** the request to cancel the license. Dr. Reiss seconded.

VOICE VOTE: Motion carried 5-1. Mr. Landau was the No vote.

D. David Beal, D.O. Case No. DO-3523 License No. 1638

Dr. Beal was present. The Executive Director reviewed the circumstances of probation. Dr. Beal is no longer practicing obstetrics and is now practicing primary care medicine.

MOTION: Mr. Landau moved to **terminate the probation**. Dr. Cunningham seconded.

VOICE VOTE: Motion passed unanimously.

E. Jodi Novak, D.O. Case No. DO-12-0159A License No. 3620

Dr. Novak was present. The Executive Director reviewed the circumstances of the Board Order and reported that Dr. Novak was in compliance with her Board order. Dr. Novak requested the restriction in the Order regarding the number of hours worked be terminated.

MOTION: Dr. Cunningham moved to amend the current Order to lift the restriction on the number of work hours. All other terms of the order remain in place. Dr. Erbstoesser seconded.

VOICE VOTE: Motion passed unanimously.

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. Robert Hanson, D.O. Case No. DO-15-0028A Application No. 006614

Dr. Hanson was present. The Executive Director reviewed the applicant's qualifications for licensure. Dr. Hanson answered the Board's questions.

MOTION: Dr. Cunningham moved to **grant** Dr. Hanson a license. Dr. Reiss seconded.

ROLL CALL VOTE: Motion carried 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	6	X	X	X	X	X		X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1						X	

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

A. Report on ED Dismissed Complaints

Ms. Jones submitted her monthly report for review. There were no questions.

B. President & Board Member reports

Dr. Steingard reported that Mr. Landau was running for office with the FSMB.

C. Executive Director Report

1. Financial Report

Ms. Jones submitted her reports to the Board. There were no questions.

2. Other News

No other news was discussed.

3. Legislation update

The SB1012 passed and was signed by the Governor. A number of other laws affecting physicians were passed.

11. ADJOURNMENT

The meeting adjourned at 6:07 p.m.

DRAFT