



Governor
Douglas A. Ducey

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

9535 EAST DOUBLETREE RANCH ROAD
SCOTTSDALE, ARIZONA 85258
PH (480) 657-7703 | FX (480) 657-7715
www.azdo.gov | questions@azdo.gov

Board Members
Scott Steingard, D.O., Pres
Douglas Cunningham, D.O., V.P.
Gary Erbstoesser, D.O.
Jerry G. Landau, J.D.
Lew Riggs, Ed.D.
Martin Reiss, D.O.
Vas Sabeeh, D.O.

Executive Director
Jenna Jones

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

Wednesday, June 24, 2015

BOARD MEMBERS PRESENT: President, Scott Steingard, D.O.
Vice President, Douglas Cunningham, D.O.
Gary Erbstoesser, D.O.
Jerry G. Landau, J.D.
Martin Reiss, D.O.
Vas Sabeeh, D.O.

BOARD MEMBERS ABSENT: Frank Riggs, Ed. D.

STAFF / OTHERS PRESENT: Jenna Jones, Executive Director
Jeanne Galvin, Assistant Attorney General

1. CALL TO ORDER

Dr. Steingard called the meeting to order at 5:32 p.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. Six Board members were present telephonically or at the Board office, establishing quorum for the meeting. The Executive Director reviewed the agenda.

3. CALL TO THE PUBLIC

No members of the public were present.

4. REVIEW, DISCUSSION AND POSSIBLE ACTION ON MODIFICATION OF BOARD ORDERS OR CONSENT AGREEMENTS INCLUDING SURRENDER

A. Aaron Love, D.O.

Case Nos. DO-13-0061A and DO-13-0207A

License No. 4373

Ms. Jones reviewed the case and referred the Board to the report from Dr. Sapp. The Board had concerns with the report from Dr. Sapp as it seemed to be very biased and not objective.

Dr. Cunningham made a motion to enter Executive Session to discuss records which are confidential according to statute. Mr. Landau seconded. The motion passed unanimously. The Board returned to open session at 6:00 pm.

After further discussion and consideration, there were concerns that the most recent medical reports were contradictory to each other, there isn't enough information to determine that Dr. Love is able to return to practice, and further information is needed.

MOTION: Dr. Reiss moved to reset this matter for further discussion at the July meeting and to require Dr. Love to undergo a battery of psychological testing which includes personality psychological testing, cognitive testing, and neurocognitive testing. The psychologist who would perform such testing would need to be pre-approved by the Board's Executive Director. Dr. Cunningham seconded.

VOTE: Roll call vote, six ayes (one absent). Motion passed 6-0.

B. Richard Waldrop, D.O. Case Nos. DO-12-0072A and DO-15-0082A License No. 4581

Ms. Jones presented the case and referred the Board to the Consent Agreement for Surrender of License signed by Dr. Waldrop. After discussion and consideration, the Board agreed with the Surrender but had an amendment.

MOTION: Mr. Landau moved to amend the Consent Agreement in the wording on page 4, line 22, to remove "criminal" and insert "law enforcement or prosecutorial." Dr. Cunningham seconded.

Mr. Landau moved to accept the amended Consent Agreement for Surrender. Dr. Cunningham seconded.

VOTE: A voice vote on the amendment passed 6-0.

VOTE: Roll call vote on the acceptance of the amended Consent Agreement, six ayes (one absent). Motion passed 6-0.

5. REVIEW, DISCUSSION AND ACTION ON REQUEST TO CANCEL LICENSE

A. John R. Henner, D.O. License No. 005395

Ms. Jones presented the information and referred the Board to the doctor's letter. There is concern regarding the requirement to obtain CME that is AOA Category 1A by specialist.

MOTION: Dr. Erbstoesser moved to approve the request to cancel the license. Mr. Landau seconded.

VOTE: Voice vote, five ayes, one nay (one absent). Motion passed 5-1.

6. REVIEW, DISCUSSION AND POSSIBLE SUMMARY SUSPENSION OF LICENSE

A. Dale Ratcliffe, D.O. Case No. DO-15-0139A License No. 4581

Ms. Jones presented the information and referred the Board to the various reports and information gathered. Ms. Galvin explained the process for emergent action since there is a need to protect the welfare and safety of the public. Based upon the allegations there is a basis to summarily suspend Dr. Ratcliffe's license. Ms. Jones reported that she did hear from an attorney late this afternoon but at this time Dr. Ratcliffe had not officially retained him to represent him.

MOTION: Dr. Steingard moved to adopt the Interim Findings of Fact, Conclusions of Law based upon the review of the DPS and DEA reports. Mr. Landau seconded.

VOTE: Roll call vote, six ayes (one absent). Motion passed 6-0.

MOTION: Dr. Steingard moved that the allegations require emergent action on behalf of the Board to protect public safety. Mr. Landau seconded.

VOTE: Roll call vote, six ayes (one absent). Motion passed 6-0.

MOTION: Dr. Steingard moved that in order to protect the public safety and welfare, and given the Findings of Fact and Conclusions of Law, that the Executive Director is to issue an Order which Summarily Suspends Dr. Ratcliffe's license number 4581 at 5:00 pm (Arizona time) on June 25, 2015, effective upon service of the Order, if the Board's Executive Director has not received a signed Interim Consent Agreement for Suspension of license from Dr. Ratcliffe and/or his attorney. In addition, Dr. Ratcliffe must agree to be evaluated for possible substance abuse and undergo and successfully complete treatment, if indicated. Upon successful completion, he may petition the Board to return to practice.

VOTE: Roll call vote, six ayes (one absent). Motion passed 6-0.

MOTION: Dr. Steingard moved to refer the matter to the Office of Administrative Hearings for the purpose of a Formal Administrative Hearing to seek suspension of no less than one year and that Dr. Ratcliffe must satisfactorily demonstrate to the Board that he has completed treatment and rehabilitated himself and is safe to practice. Further, Dr. Ratcliffe would not be reinstated until he proves to the Board to their satisfaction, that he is rehabilitated, it is safe for him to practice medicine, and that he is competent to do so. Mr. Landau seconded.

VOTE: Roll call vote, six ayes (one absent). Motion passed 6-0.

7. REVIEW, DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE DIRECTOR'S PERFORMANCE

Ms. Jones requested that this matter be pended to a future date. No action was taken.

8. ADJOURNMENT

The meeting adjourned at 6:38 p.m.