



Governor
Douglas A. Ducey

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**
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Board Members
Scott Steingard, D.O., Pres
Douglas Cunningham, D.O., V.P.
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, May 30, 2015

BOARD MEMBERS PRESENT:

Scott Steingard, D.O. President
Douglas Cunningham, D.O., Vice-President
Gary A. Erbstoesser, D.O. (departed at 5:44 p.m.)
Jerry G. Landau, J.D.
Martin Reiss, D.O.

BOARD MEMBERS ABSENT:

Lew Riggs, Ed.D.
Vas Sabeeh, D.O.

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
Mary Williams, Assistant Attorney General
Debora Mitchell, CVR Ottmar & Associates (morning)
Cindy Bachman, CVR, Ottmar & Associates (afternoon)

1. CALL TO ORDER

Dr. Scott Steingard, Board President, called the meeting to order at 8:05 a.m. and read the Board's mission statement.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. Five 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

April 11, 2015 Open Session

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

VOICE VOTE: Motion carried 5-0

April 11, 2015 Executive Session

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

VOICE VOTE: Motion carried 5-0.

April 28, 2015 Teleconference Session

MOTION: Dr. Reiss moved to approve the minutes. Mr. Landau seconded.

VOICE VOTE: Motion carried 5-0.

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

Case Reviews

A. Robert Marouk, D.O. Case No. DO-14-0194A License No. 3584

The Respondent and Complainant were not present. The complaint involved patient dissatisfaction with a rhinoplasty. The Board expressed concern regarding Dr. Marouk's poor documentation in the medical record. After discussion and consideration, the Board determined there was no statutory violation.

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

VOICE VOTE: Motion carried 5-0.

B. Robert Marouk, D.O. Case No. DO-14-0315A License No. 3584

The Respondent and Complainant were not present. The Medical Consultant reviewed the case. The complaint involved an alleged failed rhinoplasty. 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 5-0.

C. Carl Ferguson, D.O. Case No. DO-14-0263A License No. 2244

The Respondent and Complainant were not present. The complaint involved dismissal of a patient. 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 5-0.

D. Matthew Tyler, D.O. Case No. DO-15-0012A License No. 006096

The Board continued the case.

E. Brent Korn, D.O. Case No. DO-14-0203A License No. 4328

Dr. Korn was present with attorney Paul Giancola. This complaint involved alternative medical treatment of terminal brain cancer in a minor who subsequently passed away.

Dr. Steingard moved for Executive Session for the purpose of legal advice. Dr. Cunningham seconded. The Board entered Executive Session at 8:35 a.m. and returned to Open Session at 8:40 a.m.

The Medical Consultant reviewed the case. Dr. Korn answered the Board's questions. Dr. Korn acknowledged that he has no formal training in pediatric or adult oncology. Mr. Giancola stated Dr. Korn's treatment was limited to nutritional support and immunotherapy within the scope of practice for integrative medicine. The Board stated the treatment in this case is egregious, below the standard of care, and far beyond the scope of Dr. Korn's practice.

MOTION: Dr. Steingard moved to refer this case to **Formal Administrative Hearing**. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 5-0.

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

Reviews of Executive Director Dismissals:

A. Joseph Machuzak, D.O. Case No. DO-14-0131A License No. 3753

The Respondent and Complainant were not present.

MOTION: Dr. Cunningham moved to uphold the Executive Director **Dismissal**. Mr. Landau seconded.

VOICE VOTE: Motion carried 5-0.

B. Aparna Sundaram, D.O. Case No. DO-14-0274A License No. 005177

The Complainant was present and addressed the Board. The Board discussed the case. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Mr. Landau moved to uphold the Executive Director **Dismissal**. Dr. Cunningham seconded.

VOICE VOTE: Motion carried 5-0.

The Board recessed for a short break at 9:18 a.m. and resumed Open Session at 9:27 a.m.

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

A. Randolph Scott, D.O. Case No. DO-14-0138A License No. 2108

Dr. Scott was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. This malpractice complaint alleges Dr. Scott failed to diagnose and treat an abscess and infection which developed into

necrotizing fasciitis. This resulted in severe illness, multiple surgeries and amputation of the patient's right leg. Dr. Scott answered the Board's questions. The Board expressed concern that the respondent trusted a non-compliant patient to provide important information regarding his symptoms rather than have the patient come in for an exam when symptoms continued. Dr. Scott acknowledged this and stated he has learned from this to require the patient come in for an exam, regardless.

MOTION: Dr. Cunningham moved for a non-disciplinary **Letter of Concern** for not re-examining the patient when he complained of continued pain.

ROLL CALL VOTE: Motion carried 5-0.

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

B. Bart Eng, D.O.

Case No. DO-14-0154A

License No. 1776

Dr. Eng was present with attorney Melissa Ho and was sworn in by the court reporter. The Medical Consultant reviewed the case. This complaint involved alleged failure to repeat an EKG after abnormal readings and refer patient to a cardiologist. Several months later a pacemaker was placed in patient. Dr. Eng answered the Board's questions. The Board felt it was unclear that the outcome would have been different if Dr. Eng had made the referral.

MOTION: Dr. Reiss moved for a Dismissal. Dr. Erbstoesser seconded.
 Dr. Reiss withdrew his motion. Dr. Erbstoesser withdrew his second.

The patient was present and was sworn in by the court reporter. The patient answered the Board's questions.

MOTION: Dr. Cunningham moved for a non-disciplinary **Letter of Concern** for failure to refer a patient to a cardiologist. Mr. Landau seconded.

ROLL CALL VOTE: Motion carried 3-2.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	3		X	X	X			
NO	2	X				X		
ABSTAIN/RECUSE	0							
ABSENT	2						X	X

C. Charles Lindsay, D.O.

Case No. DO-14-0153A

License No. 0793

Dr. Lindsay was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint alleged inadequate treatment for Type 1 diabetes in a new patient. Dr. Lindsay answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

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

ROLL CALL VOTE: Motion carried 5-0.

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

D. Michael Sheehy, D.O.

Case No. DO-14-0192A

License No. 4241

Dr. Sheehy was present with attorney Bruce D. Crawford and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint involved emergency room treatment of a post-tonsillectomy patient. Dr. Sheehy answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

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

ROLL CALL VOTE: Motion carried 5-0.

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

E. Raymond Schneider, D.O.

Case No. DO-14-0245A

License No. 1683

Dr. Schneider was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint involved alleged failure to use gloves during a wound examination. Dr. Schneider answered the Board's questions. Dr. Schneider denied the allegation and stated his technique was sterile. After discussion and consideration, the Board determined there was no statutory violation.

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

ROLL CALL VOTE: Motion carried 5-0.

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

F. Janet Pragit, D.O.

Case No. DO-14-0259A

License No. 4719

Dr. Pragit was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint involved alleged lack of informed consent for a Kenalog shot. Dr. Pragit answered the Board's questions. The complainant was present and answered the Board's questions. The Board was concerned that Dr. Pragit did not provide sufficient information about side-effects and the medical assistant who administered the shot was not properly supervised as to the location the shot was given.

MOTION: Dr. Cunningham moved for a **non-disciplinary Letter of Concern** for failure to properly disclose to the patient the side-effects of Kenalog injections and for lack of proper supervision of staff. Mr. Landau seconded.

ROLL CALL VOTE: Motion carried 5-0.

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

Board recessed for a short break at 11:20 a.m. and returned to Open Session at 11:30 a.m.

G. Joseph Winchell, D.O.

Case No. DO-14-0150A

License No. 4179

Dr. Winchell was present with attorney Paul Giancola and was sworn in by the court reporter. The Medical Consultant reviewed the case. This complaint involved inappropriate prescribing and failure to maintain medical records.

Dr. Steingard 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. Winchell and Mr. Giancola at 11:36 a.m. and returned to Open Session at 11:54 a.m.

MOTION: Mr. Landau moved for a finding of Unprofessional Conduct for a violation of A.R.S. § 32-1854(21), (23) and (36) by prescribing controlled substances to immediate family members, failure to maintain medical records and failure to conduct physical exams based on the Findings of Facts from the medical consultant’s report, namely:

1. Dr. Winchell prescribed controlled substances to immediate family members on multiple occasions.
2. Dr. Winchell prescribed controlled substances to close friends without maintaining medical records.
3. No medical records were maintained on any of these patients.
4. No full physical exam was performed on any patients.
5. No pharmacy audit was performed on any patient.
6. No urine drug screens were performed on any patients.
7. No consultations were obtained.
8. No laboratory was ordered or performed.
9. No diagnostic studies were ordered.

Dr. Cunningham seconded.

Mr. Giancola waived the notice requirement on A.R.S. § 32-1854(21).

ROLL CALL VOTE: Motion carried 5-0.

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

MOTION: Mr. Landau moved for **non-disciplinary Continuing Medical Education** in the areas of boundaries and prescribing, with recognition that the Continuing Medical Education was completed prior to the hearing.

ROLL CALL VOTE: Motion carried 5-0.

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

MOTION: Mr. Landau moved to grant Donald W. Hudspeth, Esq.'s motion to allow Nohayia Javed, Esq. to practice *Pro Hac Vice* for this case only. Dr. Cunningham seconded.

VOICE VOTE: Motion carried 5-0.

Dr. Khan was present with attorney Nohayia Javed and was sworn in by the court reporter. The Medical Consultant reviewed the case. This complaint involved inappropriate billing. Dr. Khan answered the Board's questions. Dr. Khan stated he was not aware nor did he authorize or consent to have the clinic bill for OMT services under his name or NPI number. He stated that he had been hired to review the nurse practitioner's medical charts and never treated a single patient in the practice. However, after the practice asked him to, he did sign the chart under the nurse practitioner's name after review. The Board expressed concern with Dr. Khan because it appears that Dr. Khan was hired by the clinic to sign the charts so the clinic could bill under his name and NPI number to collect moneys under his license.

Board directed staff to refer case to the Chiropractic Board, the Nursing Board and the Attorney General's office.

MOTION: Mr. Landau moved for a **non-disciplinary Letter of Concern** for reviewing and signing off on charts without fully understanding the treatment protocols being used and to obtain **10 hours of non-disciplinary Continuing Medical Education** in the area of medical ethics. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 5-0.

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

The Board recessed for lunch at 1:11 p.m. and returned to Open Session at 1:46 p.m.

- I. Jay Schwartz, D.O. Case No. DO-14-0237A License No. 3208

Dr. Schwartz was present and was sworn in by the court reporter. The Investigator reviewed the case. The complaint alleged charging an inappropriate fee. 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 5-0.

Cases called after 1:00 p.m.

- J. Matthew Duke, D.O. Case No. DO-14-0116A License No. 3481

Dr. Duke was present with attorney Stephen W. Myers and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint alleged over-prescribing. Dr. Duke and Mr. Myers each read a prepared statement. Dr. Duke answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

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

ROLL CALL VOTE: Motion carried 5-0.

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

K. Tricia Style, D.O.

Case No. DO-14-0205A

License No. 3298

Dr. Style was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint alleged misdiagnosis. Dr. Style answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

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

ROLL CALL VOTE: Motion carried 5-0.

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

L. John McCracken, D.O.

Case No. DO-14-0080A

License No. 0977

Dr. McCracken was present with attorney Joel Wakefield and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint involved alleged failure to diagnose a hip fracture. Dr. McCracken answered the Board's questions.

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

ROLL CALL VOTE: Motion carried 5-0.

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

M. John K. Davis, D.O.

Case No. DO-14-0094A

License No. 3192

Dr. Davis was not present. The Board acknowledged that Dr. Davis did not participate in the Investigative Hearing and has not responded to notices.

MOTION: Mr. Landau moved to refer this case to **Formal Administrative Hearing**. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 5-0.

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

N. K. Talmage Lewis, D.O.

Case No. DO-13-0130A

License No. 3462

Dr. Lewis was present with attorney Tim Nelson and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint alleged over-prescribing. Dr. Lewis and Mr. Nelson each addressed the Board with prepared statements. Dr. Lewis stated he voluntarily took the prescribing course offered by PACE and has changed his practice accordingly. Dr. Lewis answered the Board's questions. The Board commended Dr. Lewis for being proactive in resolving the issues raised in this case. After discussion and consideration, the Board determined there was no statutory violation.

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

ROLL CALL VOTE: Motion carried 3-2.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	3		X	X		X		
NO	2	X			X			
ABSTAIN/RECUSE	0							
ABSENT	2						X	X

O. Wendell Phillips, D.O. Case No. DO-14-0184A License No. 2226

Dr. Phillips was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Phillips answered the Board's questions. The Board expressed concern that no pharmacy audit was documented and not acting on the fact the patient's urine drug screen was inconsistent with patient's stated medications. The Board expressed concern that Dr. Phillips was treating chronic pain patients without attempting to rehabilitate the patients. The Board recommended Dr. Phillips obtain additional CME in addiction medicine.

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

ROLL CALL VOTE: Motion carried 5-0.

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

The Board recessed for a short break at 3:35 p.m. and returned to Open Session at 3:44 p.m.

P. Patrick Marsh, D.O. Case No. DO-14-0260A License No. 2502

Dr. Marsh was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Marsh answered the Board's questions. The complaint involved alleged substandard care, poor record keeping and failure to follow up. The Medical Consultant reviewed the patient records referred to in the complaint. Dr. Marsh stated he worked at the practice for six years without a single complaint. Due to an accident he was no longer able to work and his employer fired him. He stated when the practice began using an electronic medical records system, it was a difficult transition. The Board expressed concern that the records may or may not be correct and a desire to have the complainant present. The Board directed staff to subpoena the complainant's presence at a Board meeting.

Dr. Reiss moved to enter Executive Session to review records and testimony regarding records which are confidential by statute. Mr. Cunningham seconded. The Board entered Executive Session with Dr. Marsh at 4:15 p.m. and returned to Open Session at 4:23 p.m.

The Board continued the case.

- Q. Hudson Lee, D.O. Case No. DO-13-0218A License No. 4625

Dr. Lee was present and was sworn in by the court reporter. The Investigator reviewed the case. The complaint alleged poor record keeping and failure to respond to a Board request and failure to respond to a subpoena for medical records. Dr. Lee answered the Board's questions. The Board expressed concern that Dr. Lee failed to respond to the Board's seven (7) letters over the last two (2) years and has still not sent a written response to the Board or provided the complainant's medical records to the Board or to the patient. Dr. Lee provided the medical record at the meeting. The Board commented that the record was well written and extensive and asked Dr. Lee why he did not provide it to his patient and to the Board. Dr. Lee answered that another part of the record from the patient's former PCP was in a locked storage facility and he was unable to obtain the entire record.

The Board directed staff to forward the medical records to the complainant and to have staff make an onsite inspection of Dr. Lee's office, and to continue the matter at a future Board meeting.

- R. Ivan Filner, D.O. Case No. DO-14-0180A License No. 3383

Dr. Filner was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint alleged inappropriate prescribing of phentermine. Dr. Filner addressed the Board. After discussion and consideration, the Board determined there was no statutory violation.

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

ROLL CALL VOTE: Motion carried 5-0.

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

- S. Susan Brallier, D.O. Case No. DO-14-0085A License No. 2439

Dr. Brallier appeared telephonically and was sworn in by the court reporter. Her attorney Mike Ryan was present. The Medical Consultant reviewed the case. The malpractice complaint alleged examination, diagnosis and treatment of a child resulting in the death of the child. The medical record indicated appropriate care during the course of the illness. After discussion and consideration, the Board determined there was no statutory violation.

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

ROLL CALL VOTE: Motion carried 5-0.

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

Dr. Erbstoesser departed at 5:44 p.m.

Dr. Steingard dismissed the medical students at 5:47 p.m.

7. 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. Aaron Love, D.O. Case Nos. DO-13-0061 and DO-13-0207A License No. 4373

Dr. Love was present and was sworn in by the court reporter. The Executive Director reviewed the status of Dr. Love's compliance with the interim order(s).

MOTION: Dr. Reiss moved to rescind portions of the prior interim order and request additional information from the evaluator to determine Dr. Love's status.

ROLL CALL VOTE: Motion carried 5-0.

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

B. David Chisholm, D.O. Case No. 4025 (DO-15-0030A) License No. 4283

The Board discussed allowing Dr. Chisholm to complete the Continuing Medical Education in accordance with the Order.

MOTION: Mr. Landau moved to allow the respondent to complete 10 hours of Continuing Medical Education in accordance with the non-disciplinary Order. Dr. Cunningham seconded.

VOICE VOTE: Motion carried unanimously.

8. 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. Kyle Edwards, D.O. Case No. DO-15-0074A Application No. 006654

Mr. Landau recused himself from this case.

Dr. Edwards was present. The Executive Director reviewed the application. Dr. Edwards answered the Board's questions.

MOTION: Dr. Cunningham moved to approve Dr. Edwards for a full and unrestricted license. Dr. Erbstoesser seconded.
VOICE VOTE: 4-0.

B. Jacqueline Blackstone, D.O. Case No. DO-15-0061A Application No. 006616

Dr. Blackstone was present with attorney Robert Chelle and was sworn in by the court reporter. The Executive Director reviewed the application. Dr. Blackstone answered the Board's questions.

MOTION: Dr. Reiss moved to approve Dr. Blackstone for a full and unrestricted license. Dr. Cunningham seconded.
VOICE VOTE: 4-0.

C. George Arcos, D.O. Case No. DO-15-0107A Application No. 006735

Dr. Arcos was present and was sworn in by the court reporter. The Executive Director reviewed the application. Dr. Arcos answered the Board's questions.

MOTION: Dr. Cunningham moved to approve Dr. Arcos for a full and unrestricted license. Dr. Reiss seconded.
VOICE VOTE: 4-0.

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

A. Report on ED Dismissed Complaints
The members had Ms. Jones' report and print out of information to be compliant with statutory requirements. There were 44 cases dismissed between April 2 and May 19, 2015.

B. President & Board Member reports

1. FSMB meeting

Dr. Steingard announced that Mr. Landau had been elected to serve on the FSMB Board of Directors for a three year term. Mr. Landau thanked everyone for their support in his election. He is honored to serve in this role.

Dr. Cunningham announced that Barbara Prah-Wix, D.O. was recently honored as Physician of the Year by the Arizona Osteopathic Medical Association.

2. Opioid presentation in Yuma, June 20, 2015

The Board will be presenting a three (3) CME free course in Yuma regarding opioid prescribing.

3. Licensure compact – 7 states have passed legislation

C. Executive Director Report

1. Financial Report

Ms. Jones reported that the budget is on target but is going to be very close to the appropriated amount. She is watching the spending very closely as expenses have gone up. She will be asking for additional appropriations in the next budget cycle.

2. Other News –Staffing

Currently the board office is down by one FTE. Due to budgetary concerns, that position will remain vacant for the time being.

Complaint status and possible addition of October meeting

Ms. Jones reported that in an effort to address the outstanding Investigative Hearings she recommends the Board hold a meeting in October. The board agreed with holding a meeting.

D. Board may receive update from Robert Gordon, D.O. on his practice status.

Dr. Gordon appeared before the Board and reported that he is working and enjoying it. He appreciates the Board and the job they do.

E. Board may review and discuss presentation from Pete Wertheim, Executive Director, Arizona Osteopathic Medical Association, regarding current events and legislation.

Mr. Wertheim thanked the Board for their service. He recognized Dr. Barbara Prah-Wix, the Board's medical consultant. She was awarded the Physician of the Year award. Dr. Prah has served in her present position for 17 years. He informed the Board the AOMA will be taking up the matter of the Interstate Licensing Compact at their Fall seminar. He also discussed concerns of upcoming legislation that may include publishing non-disciplinary actions and the consolidation of 90/10 agencies in Arizona. He stated the AOMA supports the Board as they are working well in their role to license osteopathic physicians while protecting the public.

10. ADJOURNMENT

The Board adjourned at 7:25 p.m.