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.

Governor
Douglas A. Ducey

Executive Director
Jenna Jones

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

Saturday, July 18, 2015

BOARD MEMBERS PRESENT:
Scott Steingard, D.O. President
Douglas Cunningham, D.O., Vice-President
Jerry G. Landau, J.D.
Lew Riggs, Ed.D.
Vas Sabeeh, D.O.

BOARD MEMBERS ABSENT:
Gary A. Erbstoesser, D.O.
Martin Reiss, 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
Jeanne Galvin, Assistant Attorney General
Robin Jasper, RCR, Ottmar & Associates (morning)
Haley Westra, RCR, Ottmar & Associates (afternoon)

1. CALL TO ORDER

Dr. Scott Steingard, Board President, called the meeting to order at 8:06 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. No one requested to speak.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

May 30, 2015 Open Session

A quorum not being present, this vote was continued.

May 30, 2015 Executive Session

A quorum not being present, this vote was continued.

June 24, 2015 Teleconference Session

MOTION: Dr. Cunningham moved to approve the minutes. Mr. Riggs seconded.
VOICE VOTE: Motion carried 5-0.

July 2, 2015 Teleconference Session

MOTION: Dr. Cunningham moved to approve the minutes. Mr. Riggs seconded.
VOICE VOTE: Motion carried 5-0.

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

Case Reviews

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

Respondent was not present. This complaint involved pain management in an emergency room setting. After discussion and consideration, the Board determined there was no statute violation.

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

2. Jack Wolfson, D.O. Case No. DO-15-0017A License No. 3761

Respondent was present but declined to speak on advice of his attorney. This case involved 38 complaints regarding Respondent's comments during interviews with national news programs. No complainants were present at the meeting.

Dr. Cunningham moved to enter Executive Session for the purpose of legal advice. Dr. Steingard seconded. The Board entered Executive Session at 8:20 a.m. and returned to Open Session at 8:30 a.m.

The Board acknowledged in addition to the 38 formal complaints, it had received communication from numerous people, some who agreed with the Respondent's publically expressed opinion and most who disagreed. The Board expressed concern regarding the manner in which the Respondent expressed his opinion. No complaints have been filed by patients regarding the Respondent's actual medical care. The complaints received were all regarding the Respondent's publically stated opinion. The Respondent's right to express his opinion is protected by the First Amendment. The Board determined there was no statute violation.

MOTION: Mr. Landau moved for **Dismissal**. Mr. Riggs seconded.
ROLL CALL VOTE: Motion carried 4-1.

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

3. Brian Coates, D.O. Case No. DO-14-0042A License No. 005837

The Respondent was not present. The complaint alleged failure to diagnose. The Medical Consultant reviewed the case. The Board noted the records showed a very thorough discussion of differentials with consults. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Sabeeh seconded.
VOICE VOTE: Motion carried 5-0.

4. Anthony Schwartz, D.O. Case No. DO-15-0035A License No. 4270

The Respondent was not present. The complaint alleged improper technique in surgery which led to injury. The Medical Consultant reviewed the case. The Board noted the record indicates the injury does not appear to be caused by the surgeon but may be the result of positioning by the anesthesiologist during the procedure. After discussion and consideration, the Board directed staff to request more information from the Respondent. This case was continued until the information has been obtained.

5. Jeff Baird, D.O. Case No. DO-14-0284A License No. 2431

This case was heard with agenda item F-19. This case was opened due to Respondent's failure to fulfill the terms of an Order issued for case DO-13-0041A. The Board discussed referring the case to formal hearing and consolidating with DO-13-0041A.

MOTION: Mr. Landau moved to refer this case to **Formal Hearing** for non-compliance with the Order. 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**		

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

1. John A. Weidner, D.O. Case No. DO-13-0208A License No. 4035

The Respondent was present with attorney Sarah Agne and was sworn in by the court reporter. The Executive Director provided an update of the case which was a continuation from a previous meeting.

Dr. Cunningham moved to enter Executive Session to review records and testimony regarding records which are confidential by statute. Mr. Riggs seconded. The Board entered Executive Session with Dr. Weidner and Ms. Agne at 9:10 a.m. and returned to Open Session at 9:33 a.m.

The Board expressed concern regarding the Respondent's record keeping and failure to timely respond to nurse calls.

MOTION: Mr. Landau moved for a non-disciplinary **Letter of Concern** for not completing records in a timely manner and failure to timely respond to calls from nurses.
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**		

2. Jason Reinhart, D.O. Case No. DO-14-0115A License No. 3743

Respondent was present with attorney Cal Raup and was sworn in by the court reporter. The Complainant was also present and was sworn in. The complaint alleged inappropriate treatment with quinine. The Medical Consultant reviewed the case. Mr. Raup provided copies of records found recently and not included with records sent in response to subpoena. The Respondent answered the Board's questions. The Complainant

addressed the Board and answered the Board's questions. The Board expressed concern that the Respondent prescribed an off-label medication on the first visit without trying other medications first. The Board also expressed concern that the Respondent's follow-up and screening for known side-effects of an off-label treatment were incomplete.

MOTION: Dr. Sabeeh moved for a non-disciplinary **Letter of Concern** for failure to properly screen and monitor for known potential side-effects of an off-label treatment.
ROLL CALL VOTE: Motion carried 4-1.

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

The Board recessed for a short break at 10:48 p.m. and returned to Open Session at 11:00 a.m.

3. Varuzhan Movsesyan, D.O. Case No. DO-14-0137A License No. 4681

Respondent was present with attorney Andrew Plattner and was sworn in by the court reporter. This case involved alleged inappropriate prescribing of opioids. The Medical Consultant reviewed the case which included the initial patient's records and an additional 10 chart review. The Respondent addressed the Board and answered the Board's questions. The Respondent provided documentation and stated that since receiving this complaint he has attended numerous opioid prescribing classes, has changed his practice to include all the recommendations for appropriate pain management treatment and has reduced his prescribing of opioids by two-thirds in the last year.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Sabeeh 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**		

4. Kathryn Bates, D.O. Case No. DO-14-0139A License No. 3187

Respondent was present with attorney Flynn P. Cary and was sworn in by the court reporter. This case involved a timely self-report of a DUI. The Investigator reviewed the case. Dr. Bates answered the Board's questions. After discussion and consideration, the Board felt the Respondent's screenings and evaluations indicated this was a single, isolated event. Records indicated Respondent has followed the court's requirements appropriately and the State has appropriately adjudicated this case.

MOTION: Dr. Cunningham moved for **Dismissal**. Mr. Riggs 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**		

5. Angela DeRosa, D.O. Case No. DO-14-0169A License No. 4223

Respondent was present with attorney Paul Giancola and was sworn in by the court reporter. The complaint alleged Respondent exceeded recommended treatment guidelines and medical record documentation in multiple patients. Respondent answered the Board's questions. The Board expressed concern that the Respondent may be practicing outside the scope of her training as an internal medicine specialist by treating hormonal imbalances without evidence to support diagnoses.

Dr. Cunningham moved for Executive Session for the purpose of legal advice. Mr. Landau seconded. The Board entered Executive Session at 12:06 p.m and returned to Open Session at 12:26 p.m.

After further discussion, the Board expressed concern that there was no evidence in the patients' records that other differentials were considered before hormone therapy was started and that the Respondent is following a business model of symptom-related treatment regardless of labs and other screenings.

MOTION: Mr. Landau moved for a non-disciplinary **Letter of Concern** for using only related symptoms and failing to utilize lab values in formulating diagnoses. Mr. Riggs 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**		

6. Douglas Bobb, D.O. Case No. DO-13-0150A License No. 1990

Respondent was present and was sworn in by the court reporter. The complaint involved alleged failure to complete entire surgery as discussed preoperatively with patient and unprofessional conduct in the office setting. Respondent answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation. The Board also stated the Respondent's efforts to improve his medical record keeping and communication with patients was sufficient to alleviate concerns.

MOTION: Dr. Cunningham moved for **Dismissal**. Mr. Riggs 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**		

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

The Respondent was not present. The Board continued the case.

8. James Gross, D.O. Case No. DO-14-0112A License No. 2146

Respondent was present. The Investigator reviewed the case which involved self-report of a DUI.

Mr. Landau moved to enter Executive Session to review records and testimony regarding records which are confidential by statute. Dr. Cunningham seconded. The Board entered Executive Session with Dr. Gross at 1:27 p.m. and returned to Open Session at 1:43 p.m.

MOTION: Mr. Landau moved to take action in accordance with discussion in Executive Session. 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 1:44 p.m. and returned to Open Session at 2:20 p.m.

Haley Westra, RCR, replaced Robin Jasper, RCR, following the lunch recess.

9. Stephen Wallach, D.O. Case No. DO-13-0197A License No. 2113

Respondent was not present. The Board continued the case.

10. Kurt Steinke, D.O. Case No. DO-14-0200A License No. 1977

Respondent was present with attorney Stephen Myers and was sworn in by the court reporter. The complaint alleged inappropriate prescribing and failure to screen for drug use/abuse in patient. The Medical Consultant reviewed the case. The Respondent addressed the Board and answered the Board's questions. It was noted that methadone prescribed for addiction is not reported to the CSPNP database due to Federal law. The Respondent documented subsequent to this complaint he has taken the PACE prescribing course and implemented all recommendations for appropriate treatment with opioids in his practice. The Board expressed agreement with this course of action, stating if a physician is going to engage in pain management, the physician must become familiar with standard of care in opioid prescribing.

MOTION: Dr. Sabeeh 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**		

11. S. Foster Easley, D.O. (continued) Case No. DO-13-0135A License No. 3212
12. S. Foster Easley, D.O. (continued) Case No. DO-14-0208A License No. 3212

13. Caren Borjeson, D.O. Case No. DO-14-0067A License No. 3117

Respondent was not present. Due to a glitch in the database, the respondent had not been notified of the meeting. The Board continued the case until the next board meeting.

14. Eliott Maness, D.O. Case No. DO-14-0067B License No. 3609

Respondent was present with attorney Neil Alden and was sworn in by the court reporter. This complaint alleged failure to recognize a surgical complication and delay in diagnosis resulting in permanent injury. The Medical Consultant reviewed the case. Dr. Maness answered the Board's questions.

MOTION: Dr. Sabeeh moved for a non-disciplinary **Letter of Concern** for failure to recognize and timely act on a complication in postoperative surgery.
ROLL CALL VOTE: Motion carried 5-0.

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

15. Thomas C. Edwards, D.O. Case No. DO-14-0236A License No. 1788

Mr. Landau recused himself.

Respondent was present and was sworn in by the court reporter. This complaint involved alleged inappropriate prescribing. The Medical Consultant reviewed the case. The Respondent answered the Board's questions. The Board expressed concern that in treating this patient the Respondent regarding proper screenings for drug use/abuse, refering patients to specialists, recognizing signs of drug abuse in the patient, and record keeping.

Dr. Cunningham moved for Executive Session for the purpose of legal advice. Dr. Steingard seconded. The Board entered Executive Session at 3:41 p.m. and returned to Open Session at 3:45 p.m.

MOTION: Dr. Cunningham moved for a non-disciplinary **Letter of Concern** for improper pain management and 10 hours non-disciplinary **Continuing Medical Education** in the area of opioid prescribing in addition to renewal requirements.
ROLL CALL VOTE: Motion carried 4-0.

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

16. Carl Ferguson, D.O. Case No. DO-14-0206A License No. 2244

Dr. Ferguson was present with attorney Jessica Miller. Over 300 pages of exhibits were provided to the Board the day before the Board meeting.

Mr. Landau moved for Executive Session for the purpose of legal advice. Dr. Steingard seconded. The Board entered Executive Session at 3:53 p.m. and returned to Open Session at 3:56 p.m.

MOTION: Dr. Steingard moved to continue the case because there was not appropriate time to review the new records. Dr. Cunningham seconded.

Prior to the vote, Mr. Landau expressed his opinion that this case had already been continued three times and he would prefer to go forward and disregard the late submission, some of which were medical records which the Respondent was required to have sent in within 20 days of receiving the complaint.

ROLL CALL VOTE: Motion carried 4-1.

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

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

This case was continued until the next meeting.

18. Matthew Tyler, D.O. (continued) Case No. DO-14-0179A License No. 006096

19. Jeff Baird, D.O. Case No. DO-13-0041A License No. 2431

Dr. Baird was not present. This case was discussed in conjunction with item E-5. The Board discussed their options to either continue the case or refer to Formal Hearing. This case was consolidated with DO-14-0284A.

MOTION: Mr. Landau moved to refer this case to **Formal Hearing** as Dr. Baird did not appear and that the **Suspension** under the previous Order remains in effect until the case is resolved. 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**		

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

1. Guy Merz, D.O. Case No. DO-13-0139A License No. 2710

Respondent was present. The Executive Director reviewed the request for restriction of hours to be removed. Dr. Merz answered the Board's questions.

MOTION: Dr. Steingard moved to lift the restriction on work hours. 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**		

2. E. Griffin Cipolla, D.O. Case No. DO-12-0073A License No. 2811

This case was continued.

3. Joseph Winchell, D.O. (continued) Case No. DO-14-0150A License No. 4179

4. Philip Creps, D.O. (continued) Case No. DO-14-0316A License No. 006166

Dr. Cunningham departed at 4:22 p.m.

H. 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.

1. Claire Hanson, D.O. Case No. DO-15-0112A Application # 006679

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

Mr. Landau 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 with Dr. Hanson 4:23 p.m. and returned to Open Session at 4:33 p.m.

MOTION: Mr. Landau moved to approve Dr. Hanson for licensure. Mr. Riggs seconded.
ROLL CALL VOTE: Motion carried 4-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	**4**	**X**			**X**		**X**	**X**
NO	**0**							
ABSTAIN/RECUSE	**0**							
ABSENT	**3**		**X**	**X**		**X**		

.
Dr. Steingard dismissed the students at 5:18 p.m.

The Board recessed for a short break at 5:19 p.m. and resumed Open Session at 5:22 p.m.

2. Darlene Jones, D.O. Case No. DO-15-0120A Application # 006620

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

MOTION: Mr. Landau moved to approve Dr. Jones for licensure. Mr. Riggs seconded.
VOICE VOTE: 4-0.

3. Tameem Husain, D.O. Case No. DO-15-0109A Application # 006675

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

MOTION: Dr. Sabeeh moved to approve Dr. Husain for licensure. Mr. Riggs seconded.

VOICE VOTE: 4-0.

4. Rowin Begay, D.O. Case No. DO-15-0150A PGT #R2545

This application review was heard following item H-1.

Dr.Begay was present. The Executive Director reviewed the application. This review involved a "Yes" answer on an application which consisted of five criminal charges involving alcohol from 1998 to 2011. Dr. Begay is enrolled in an Arizona postgraduate training program but cannot begin without a permit issued by this Board. Dr. Begay answered the Board's questions.

Dr. Sabeeh moved to enter Executive Session to review records and testimony regarding records which are confidential by statute. Mr. Riggs seconded. The Board entered Executive Session with Dr. Begay at 4:44 p.m. and returned to Open Session at 4:55 p.m.

MOTION: Mr. Landau moved to approve Dr. Begay for a postgraduate training permit consistent with discussion in Executive Session. Dr. Sabeeh seconded.
VOICE VOTE: 4-0.

5. Sean Spurr, D.O. Case No. DO-15-0155A PGT #R2568

Dr. Spurr was present. The Executive Director reviewed the application. Dr. Spurr answered yes on his application regarding two DUIs.

Mr. Landau moved to enter Executive Session to review records and testimony regarding records which are confidential by statute. Mr. Riggs seconded. The Board entered Executive Session with Dr. Spurr at 5:45 p.m. and returned to Open Session at 6:04 p.m.

MOTION: Mr. Landau moved to approve Dr. Spurr for a postgraduate training permit consistent with discussion in Executive Session. Mr. Riggs seconded.
VOICE VOTE: 4-0.

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

1. Report on ED Dismissed Complaints

Ms. Jones submitted a written report to the Board.

2. President & Board Member reports

Mr. Landau reported on a recent FSMB meeting. The Interstate Compact was a high priority topic of discussion. Mr. Landau also reported the recent FSMB meeting with representatives from ECFMG went well. He will be attending FSMB meetings in Virginia and will be making a visit to Capitol Hill. A telemedicine bill has been introduced which strips states of some powers. FSMB has expressed interest in working with states to oppose the bill.

Dr. Steingard reported that surgery students from osteopathic colleges of medicine are not being considered by some hospitals such as UMass, West Virginia and St. Joseph's Hospital here in Phoenix for VSAS rotations during medical school because they are from AOA accredited colleges of medicine rather than ACGME accredited colleges of medicine.

3. Executive Director Report

   a. Financial Report

      A full financial report was submitted with the Executive Director Report.

   b. Other News

      None at this time.

   c. Legislation update

      None at this time.

4. Board may review, discuss and take action on use of email.

   Mr. Landau questioned the efficacy of using personal email addresses for Board business. After discussion with Jeanne Galvin, A.A.G., it was determined the Board should use Board email addresses for correspondence related to Board business. The Board directed staff to have emails created for this purpose.

J. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION – DO-15-0139A

1. Related to Dale Ratcliffe, D.O., to include but not limited to, entering an Interim Order for practice suspension/restriction and evaluation, rescission of the Summary Suspension Order dated 7/25/2015 and possible rescission of the referral to the Office of Administrative Hearings for a formal hearing.

   This case was heard during the morning session.

   Respondent was not present and was represented by new counsel Stephen Myers. The Executive Director reviewed the case. Mr. Myers expressed his apology for the poor counsel Dr. Ratcliffe received from his previous attorney in relation to the Board. He requested the Board terminate the summary suspension upon Dr. Ratcliffe's signing the interim consent agreement next week and requested the Board terminate the referral to the Office of Administrative Hearing.

   MOTION: Mr. Landau moved to lift the summary suspension and rescind referral to Formal Hearing contingent upon Respondent signing the **Interim Consent Agreement** and returning the same to the Executive Director. 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**		

K. ADJOURNMENT

The Board adjourned at 6:18 p.m.