



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 21, 2016

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

STAFF / OTHERS PRESENT: Jenna Jones, Executive Director
Barbara Prah, D.O., Medical Consultant
Linda Kiesler, Investigations Manager
John O'Hair-Schattenberg, Investigator
Kathy Fowkes, Licensing Administrator
Jeanne Galvin, Assistant Attorney General
Mary Williams, Assistant Attorney General (after 1:00 p.m.)
Mary L. Davis, RPR, Ottmar & Associates (morning)
Cindy Bachman, CVR, Ottmar & Associates (afternoon)

1. CALL TO ORDER

Dr. Scott Steingard, Board President, called the meeting to order at 8:06 a.m. and read the Board's mission statement.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. Seven (7) board members were present, establishing quorum for the meeting. The Executive Director reviewed the agenda.

3. CALL TO THE PUBLIC

A. No medical students were in attendance.

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

A. April 9, 2016 Open Session

MOTION: Dr. Cunningham moved to approve the minutes. Dr. Sabeeh seconded.
VOICE VOTE: Motion carried 7-0.

B. April 9, 2016 Executive Session

MOTION: Dr. Cunningham moved to approve the minutes. Mr. Riggs seconded.
VOICE VOTE: Motion carried 7-0.

C. May 9, 2016 Open Session (Teleconference)

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

D. May 9, 2016 Executive Session (Teleconference)

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

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

A. DO-15-0270A, Michael J Stanek DO, LIC. #4598

Dr. Stanek was present with attorney Steven B. Perlmutter, M.D. The complainant was not present. The Investigator reviewed the case. Dr. Stanek 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.
VOICE VOTE: The motion carried 7-0.

B. DO-15-0271A, Bradley Harrison Werrell DO, LIC. #4540

Dr. Werrell was not present. The Investigator reviewed the case. The complaint alleged failure to release records. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Reiss seconded.
VOICE VOTE: The motion carried 6-1. Mr. Landau voted no.

C. DO-15-0283A, Karen Kathleen Prentice DO, LIC. #3233

Dr. Prentice was not present. The complaint alleged failure to release records. The Board discussed the case.

MOTION: Dr. Cunningham moved for an **Investigative Hearing**. Mr. Landau seconded.
VOICE VOTE: The motion carried 7-0.

D. DO-16-0011A, Christina Goldstein-Charbonneau DO, LIC. #3675

Dr. Goldstein-Charbonneau was not present. The Medical Consultant reviewed the case. The Board discussed inconsistencies in Dr. Goldstein-Charbonneau's response to the complaint.

MOTION: Mr. Landau moved for an **Investigative Hearing**. Dr. Cunningham seconded.
VOICE VOTE: The motion carried 7-0.

The Board recessed for a short break at 9:27 a.m. and returned to Open Session at 9:37 a.m.

E. DO-14-0175A, Theodora E. Paul DO, LIC. #4324

Dr. Paul was not present. The Investigator reviewed the case. The complaint alleged Dr. Paul offered an unsolicited prayer for the patient during a patient visit without the patient's permission. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Reiss moved for **Dismissal**. Dr. Cunningham seconded.
VOICE VOTE: The motion carried 7-0.

F. DO-15-0303A, William Curtis Stonecipher DO, LIC. #0468

Dr. Stonecipher was not present. The Executive Director informed the Board that the complainant requested to withdraw the complaint earlier in the week. After discussion and consideration, the Board determined there was no statutory violation.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Reiss seconded.
VOICE VOTE: The motion carried 7-0.

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

A. DO-15-0191A, Kent M Hatfield DO, LIC. #2754

This case was continued.

B. DO-15-0253A, Michael Ray Proctor DO, LIC. #3378

Attorney J. Alexander Dattilo was present to represent Dr. Proctor. The complainant was present by phone. The Investigator reviewed the case. Mr. Dattilo and the complainant each addressed the Board and answered the Board's questions. The complainant inferred the records submitted to the Board were forged. The Board discussed the case.

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

VOICE VOTE: The motion carried 7-0.

The Board directed staff to obtain a handwriting expert’s review of the medical records.

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

A. DO-14-0219A, Robert Ian Marouk DO, LIC. #3583

Dr. Marouk was present and was sworn in by the court reporter. Dr. Marouk requested a continuance.

Dr. Cunningham moved to enter Executive Session to obtain legal advice. Dr. Reiss seconded. The Board entered Executive Session at 10:17 a.m. and returned to Open Session at 10:20 a.m.

The Board granted the continuance.

B. DO-14-0307A, Robert Ian Marouk DO, LIC. #3583

Dr. Marouk remained sworn in and was represented by attorney Stephen Myers. The Investigator reviewed the case. Chandler Police Department reported to the Board a car accident involving impairment. Dr. Marouk 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. Marouk and Mr. Myers at 10:35 a.m. and returned to Open Session at 11:10 a.m.

The Board recessed for a short break at 11:10 a.m. and returned to Open Session at 11:14 a.m.

Mr. Myers addressed the Board.

MOTION: Dr. Reiss moved consistent to discussion in executive session. Dr. Cunningham seconded.

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

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. Marouk and Mr. Myers at 11:33 a.m. and returned to Open Session at 11:35 a.m.

MOTION: Mr. Landau, moved to continue the matter to the next meeting in order to hear this case and DO-14-0219A on the same day.

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

C. DO-15-0205A, Bruce Stuart Sand DO, LIC. #1841

Mr. Landau was recused from this case.

Dr. Sand was present with attorney Michael Bradford and was sworn in by the court reporter. The Investigator reviewed the case. The complaint alleged failure to treat because the patient did not have his insurance card, violation of HIPAA by staff, and failure to provide medical records. Dr. Sand answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

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

VOICE VOTE: The motion carried 6-0-1. Mr. Landau was recused.

D. DO-15-0069A, Ali Rajaei-Tehrani DO, LIC. #4383

Dr. Tehrani was present with Stephen Myers and was sworn in by the court reporter.

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. Tehrani and Mr. Myers at 11:57 a.m. and returned to Open Session at 12:19 p.m.

Mr. Myers addressed the Board. Dr. Tehrani answered the Board's questions. The Board discussed the case.

Mr. Landau moved to enter Executive Session to obtain legal advice. Dr. Steingard seconded. The Board entered Executive Session at 12:57 p.m. and returned to Open Session at 1:02 p.m.

MOTION: Dr. Sabeeh moved for non-disciplinary **Letter of Concern** for mismanagement of patient medication. Mr. Riggs seconded.

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

Dr. Tehrani requested to amend the current order to increase his work hours from 30 to 40 per week.

MOTION: Dr. Cunningham moved to amend current order to restrict work hours to 40 per week. Dr Erbstoesser seconded.

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

E. DO-15-0165A, Ali Rajaei-Tehrani DO, LIC. #4383

Dr. Tehrani was present with attorney Stephen Myers and remained sworn in. Dr. Tehrani requested a continuance which was granted by the Board.

The Board recessed for lunch at 1:09 p.m. and returned to Open Session at 1:35 p.m.

8. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855(E) ONLY. The cases in this section were called after 1:00 p.m.

F. DO-15-0200A, Ramon Alejandro Morales DO, LIC. #4391

Dr. Morales was present and was sworn in by the court reporter. The Investigator reviewed the case. This complaint involved violation of his Board Order.

MOTION: Mr. Landau moved for a non-disciplinary **Letter of Concern** for failure to call in and/or test in accordance with a Board Order on June 13, 2015, July 20, 2015, July 30, 2015, August 8, 2015, August 26, 2015 and September 14, 2015. Mr. Riggs seconded.

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

G. DO-15-0245A, Jarvis Walters DO, Resident Permit #R2260

Dr. Walters was present with attorney Sara Agne and was sworn in by the court reporter. The Investigator reviewed the case, which was the result of a DUI. Ms. Agne read a letter from Dr. Walters' residency program director. Dr. Walters answered the Board's questions.

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

ROLL CALL VOTE: The motion carried 7-0.

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

H. DO-15-0238A, Joel Peter Mascaro DO, LIC. #3250

Dr. Mascaro was present and was sworn in by the court reporter. The Investigator reviewed the case. The complaint alleged impersonation of another physician.

Dr. Steingard 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. Mascaro 3:04 p.m. and returned to Open Session at 3:15 p.m.

The Board recessed for a short break at 3:15 p.m. and returned to Open Session at 3:21 p.m.

Dr. Mascaro answered the Board’s questions. After discussion and consideration, the Board determined there was no statutory violation.

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

VOICE VOTE: Motion carried 7-0.

I. DO-15-0226A, Sabreen Hayat Boone DO, LIC. #005946

Dr. Boone was present with attorney Anne M. Fulton-Cavett and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint alleged lack of timely physical evaluation of a patient. Dr. Boone answered the Board’s questions.

The complainant was present and addressed the Board.

The Board felt Dr. Boone’s treatment of the patient was appropriate and did not fall below the standard of care.

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

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

J. DO-15-0106A James Osborne, D.O. (Continued), Lic #4439

9. 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. DO-14-0014A, Christine Elizabeth Walker DO, LIC. #006029

Dr. Walker was present to for her quarterly appearance per Board Order. Dr. Walker answered the Board’s questions. No action was taken.

10. 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. DO-16-0019A, Amjad Saeed Akhtar , LIC. #N/A

Dr. Akhtar notified staff that he was not able to be present.

MOTION: Mr. Landau moved to notify Dr. Akhtar that he needs to appear in person before the Board for a personal interview; if he does not appear before the Board, his application may be denied. Dr. Akhtar may also withdraw his application. Dr. Cunningham seconded.

VOICE VOTE: Motion carried 7-0.

B. DO-16-0047A, Darin Dale Ott , LIC. #N/A

Dr. Ott was not present.

MOTION: Mr. Landau moved for a substantive review request for Dr. Ott to attend the next regularly scheduled board meeting on July 31, 2016 for review of his application. Dr. Cunningham seconded.

VOICE VOTE: The motion carried 7-0.

C. DO-16-0018A, Michael Marx , LIC. #N/A

Dr. Marx was present and answered the Board's questions. The Board expressed concern that Dr. Marx has not been in clinical practice or completed CME in over seven (7) years and does not currently hold a license.

MOTION: Dr. Steingard moved for a substantive review request for Dr. Marx to complete a re-entry into practice program consisting of the following:

1. Complete a competency exam such as SPEX or COMVEX;
2. Obtain a CPEP assessment; and
3. Obtain a physical exam.

Dr. Reiss seconded.

VOICE VOTE: The motion carried 7-0.

D. DO-16-0065A, Aspen Meda Calkins DO, LIC. #N/A

Dr. Sabeeh was recused.

Dr. Calkins was present. The Executive Director reviewed the application.

Dr. Reiss 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. Calkins at 4:48 p.m. and returned to Open Session at 5:15 p.m.

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

VOICE VOTE: Motion carried 6-0 with one recusal.

11. BOARD MAY REVIEW, DISCUSS AND TAKE ACTION ON PROPOSED CONSENT AGREEMENTS

A. Richard Donnini, DO, Case No. DO-14-0321A, License No. 4448

MOTION: Mr. Landau moved to approve the proposed consent agreement. Dr. Cunningham seconded.

ROLL CALL VOTE: The motion carried 7-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Sabeeh
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

B. Brent Korn, DO License No. 4328

This case was heard following the lunch break. Dr. Korn’s attorney, Sara Agne, was present. John Tellier, Assistant Attorney General, was present telephonically to serve as special counsel to the Board. Amendments to the proposed consent agreement were discussed.

Cases included in Proposed Consent Agreement:

1. DO-11-0159A, Brent Robert Korn DO, LIC. #4328
2. DO-13-0225A, Brent Robert Korn DO, LIC. #4328
3. DO-14-0203A, Brent Robert Korn DO, LIC. #4328
4. DO-14-0213A, Brent Robert Korn DO, LIC. #4328
5. DO-14-0214A, Brent Robert Korn DO, LIC. #4328
6. DO-14-0215A, Brent Robert Korn DO, LIC. #4328
7. DO-14-0267A, Brent Robert Korn DO, LIC. #4328
8. DO-15-0010A, Brent Robert Korn DO, LIC. #4328

MOTION: Dr. Sabeeh moved to accept the consent agreement and amendments as discussed. Dr. Erbstoesser seconded.

ROLL CALL VOTE: The motion carried 4-3.

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

12. REVIEW, CONSIDERATION AND ACTION ON REPORTS FROM EXECUTIVE DIRECTOR, BOARD MEMBERS, and ASST ATTORNEY GENERAL

A. Report on ED Dismissed Complaints

Ms. Jones reported that there were 23 cases dismissed between April 2 and May 10, 2016. She provided a written report to the Board members with the statutorily required information.

B. President & Board Member Reports

Dr. Steingard was recently elected to the Board of Directors for the Federation of State Medical Boards for a three year term. He also announced he was stepping down as President of the Osteopathic Board. The Board will hold a special election prior to the July meeting.

C. Executive Director Report

1. Financial Report

Ms. Jones reported that as of May 5, the Board has expended 81% of its appropriation. A cash flow report was provided to the Board members.

2. Other News - staffing updates and considerations

Ms. Jones reported that Ms. Fowkes has been promoted to a Licensing Administrator.

3. Legislation Update

Ms. Jones deferred to Mr. Wertheim's report.

D. Presentation on recent legislation session from Pete Wertheim, Executive Director of Arizona Osteopathic Medical Association (AOMA)

Mr. Wertheim presented a detailed update to the Board regarding the recent legislative session. There were several bills passed into law that will affect the Board and licensees and others that did not make it into law. Some of the highlighted bills include the following:

HB2501 concerned consolidation of 18 professional licensing boards under the Department of Health Services. The bill stalled in the Senate and is expected to be revisited during the next legislative session.

HB2502 passed and it involves a temporary license and entry into the Medical Licensing Compact.

SB1443 was vetoed by the Governor. This bill included term limits for board members, displaying non-disciplinary actions on health professional online profiles, and requirement to record all open meetings.

Kids Care passed and enrollment re-opens on May 24, 2016.

The bill requiring the usage of the CSPMP passed and will be implemented next year. The Board discussed issues with the CSPMP program they have had in their own practices. The CSPMP is one small tool that doctors may use to address and assist in dealing with the problem of opioid addiction. Dr. Steingard suggested that colleges of medicine need to increase emphasis on how to appropriately prescribe opioids to their students as part of the education curriculum.

13. REVIEW, DISCUSSION AND POSSIBLE ACTION ON EXECUTIVE DIRECTOR PERFORMANCE

Mr. Landau moved to enter executive session to discuss records exempt by law from public inspection pursuant to A.R.S. § 38-431.03(A)(1) or (2), or to discuss or consult with its attorney and receive legal advice pursuant to A.R.S. § 38-431.03(A)(3). Mr. Riggs seconded. The Board entered executive session at 5:28 p.m. and resumed Open Session at 6:07 p.m.

MOTION: Dr. Cunningham moved to take action consistent with what was discussed in Executive Session. Dr. Reiss seconded.

VOICE VOTE: Motion carried 7-0.

14. ADJOURNMENT

The meeting adjourned at 6:10 p.m.