



**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**  
Douglas Cunningham, D.O., Pres.  
Jerry G. Landau, J.D., V.P.  
Gary A. Erbstoesser, D.O.  
Martin Reiss, D.O.  
Lew Riggs, Ed.D.  
Vas Sabeeh, D.O.  
Scott A. Steingard, 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, September 24, 2016**

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

**BOARD MEMBERS ABSENT:** Gary A. Erbstoesser, D.O.

**STAFF / OTHERS PRESENT:** Jenna Jones, Executive Director  
Barbara Prah, D.O., Medical Consultant  
John O'Hair-Schattenberg, Investigator  
Kathy Fowkes, Licensing Administrator  
Gloria Hartz, Office Manager  
Jeanne Galvin, Assistant Attorney General  
Debora Mitchell, CVR, Ottmar & Associates (morning)  
Mary L. Davis, RPR, Ottmar & Associates (afternoon)

**1. CALL TO ORDER**

Dr. Douglas Cunningham, 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. Six (6) board members were present, establishing quorum for the meeting. The Executive Director reviewed the agenda.

**3. CALL TO THE PUBLIC**

**A.** Dr. Cunningham welcomed the Medical Students from Arizona College of Osteopathic Medicine at Midwestern University, A.T. Still University Kirksville College of Osteopathic Medicine and A.T. Still University School of Osteopathic Medicine in Arizona. In addition, one student from Kansas City University was also 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. July 30, 2016 Open Session

Dr. Sabeeh and Mr. Riggs were recused.

The Board amended the minutes to correct the names of the president and vice-president of the Board.

**MOTION:** Dr. Steingard moved to approve the minutes as amended. Mr. Landau seconded.

**VOICE VOTE:** Motion carried unanimously.

B. July 30, 2016 Executive Session

Dr. Sabeeh and Mr. Riggs were recused.

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

**VOICE VOTE:** Motion carried unanimously.

C. August 29, 2016 Open Session (Teleconference)

Mr. Riggs was recused.

**MOTION:** Dr. Steingard moved to approve the minutes. Dr. Reiss seconded.

**VOICE VOTE:** Motion carried unanimously.

D. August 29, 2016 Executive Session (Teleconference)

Mr. Riggs was recused.

**MOTION:** Dr. Steingard moved to approve the minutes. Dr. Reiss seconded.

**VOICE VOTE:** Motion carried unanimously.

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

A. DO-16-0081A Grant Douglas Padley, DO LIC. #005104

Dr. Padley was not present. After discussion and consideration, the Board determined there was no statutory violation.

**MOTION:** Dr. Reiss moved for **DISMISSAL**. Mr. Riggs seconded.

**VOICE VOTE:** The motion carried unanimously.

B. DO-16-0086A Mark Bitner Davis, DO LIC. #4810

Dr. Davis was present and answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

**MOTION:** Dr. Reiss moved for **DISMISSAL**. Mr. Riggs seconded.

**VOICE VOTE:** The motion carried unanimously.

C. DO-16-0043A K. Talmage Lewis, DO LIC. #3462

Dr. Lewis was not present. After discussion and consideration, the Board determined there was no statutory violation.

**MOTION:** Dr. Reiss moved for **DISMISSAL**. Mr. Landau seconded.

**VOICE VOTE:** The motion carried unanimously.

D. DO-16-0107A John Donald Toth, DO LIC. #005141

Dr. Toth was present. The Medical Consultant reviewed the case. Dr. Toth answered the Board's questions. The Complainant was present, addressed the Board and answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

**MOTION:** Dr. Reiss moved for **DISMISSAL**. Dr. Sabeeh seconded.

**VOICE VOTE:** The motion carried unanimously.

E. DO-16-0064A Bill Dafnis, DO LIC. #3957

Dr. Dafnis was present and answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

**MOTION:** Dr. Reiss moved for **DISMISSAL**. Mr. Riggs seconded.

**VOICE VOTE:** The motion carried unanimously.

The Board recessed for a short break at 9:08 a.m. and returned to Open Session at 9:18 a.m.

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

A. DO-15-0168A David Morrey Kent, DO LIC. #4518

Dr. Kent was not present. The Executive Director informed the Board Dr. Kent is now living and practicing in Michigan. The Board directed staff to offer Dr. Kent a Consent Agreement to include the maximum allowed civil penalty and a Decree of Censure for patient abandonment.

**MOTION:** Dr. Steingard moved to offer Dr. Kent a Consent Agreement to include the maximum allowed civil penalty and a Decree of Censure for patient abandonment. Mr. Landau seconded.

**VOICE VOTE:** The motion carried unanimously.

B. DO-15-0113A Judith L Solomon, DO LIC. #3438

Dr. Solomon was present with Mark Romaneski, VA Chief Counsel, and was sworn in by the court reporter. Dr. Solomon answered the Board's questions.

**MOTION:** Dr. Reiss moved for **DISMISSAL**. Dr. Steingard seconded.

**VOICE VOTE:** The motion carried unanimously.

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

Dr. Prentice was present with her office manager, Charlene Fleming, and was sworn in by the court reporter. The complaint alleged failure to release records to a new physician for the purpose of continued care. Dr. Prentice and Ms. Fleming answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

**MOTION:** Dr. Reiss moved for **DISMISSAL**. Mr. Riggs seconded.

**VOICE VOTE:** The motion carried unanimously.

D. DO-15-0285A Janis Marek Saunders, DO LIC. #4591

Dr. Saunders was not present. The Executive Director informed the Board the notice of meeting which was sent by Federal Express was refused with the reason noted on the Fed Ex receipt, "Don't want."

Mr. Landau moved to enter Executive Session to obtain legal advice. Dr. Cunningham seconded. The Board entered Executive Session at 9:49 a.m. and returned to Open Session at 9:53 a.m.

**MOTION:** Mr. Landau moved to reset the hearing for this case to October 8, 2016 to consider summarily suspending the physician's license for inappropriate prescribing and unprofessional conduct. Dr. Steingard seconded.

**VOICE VOTE:** The motion carried unanimously.

Having concluded the morning's cases and Board business, the Board recessed for lunch at 11:10 a.m. and returned to Open Session at 12:31 p.m. The Board conducted application reviews.

Dr. Steingard departed for the day at 11:10 a.m.

The Board recessed for a short break at 12:52 p.m. and resumed Open Session at 1:00 p.m.

**7. 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-16-0068A William Curtis Stonecipher, DO LIC. #0468

Dr. Stonecipher was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint alleged inappropriate prescribing which resulted in a patient's death. Dr. Stonecipher answered the Board's questions. The Board asked Dr. Stonecipher if he believed his prescribing for this patient was appropriate. Dr. Stonecipher answered yes.

Mr. Landau moved to enter Executive Session to obtain legal advice. Dr. Cunningham seconded. The Board entered Executive Session at 1:25 p.m. and returned to Open Session at 1:34 p.m.

Dr. Stonecipher answered the Board’s questions. The Board expressed concern that Dr. Stonecipher believed his prescribing was appropriate.

Mr. Landau moved to enter Executive Session to obtain legal advice. Dr. Cunningham seconded. The Board entered Executive Session at 1:40 p.m. and returned to Open Session at 1:46 p.m.

With Dr. Stonecipher’s agreement, the Board called Case No. DO-15-0018A and Case No. DO-15-0228A for the purpose of acting in combination with this case.

**MOTION:** Mr. Landau moved to deny the physician’s request to modify terms of his agreement related to cases DO-15-0018A and DO-15-0228A. Dr. Reiss seconded.

**ROLL CALL VOTE:** The 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 accept Dr. Stonecipher’s **Voluntary Surrender of License** through the offer of a Consent Agreement; if not signed within ten (10) days of issuance, the matter would be moved to formal administrative hearing for the purpose of revocation of license. Dr. Reiss seconded.

**ROLL CALL VOTE:** The 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. DO-15-0296A Alvin Gar Wong, DO LIC. #3214

Dr. Wong was present and was sworn in by the court reporter. The Investigator reviewed the case. The complaint alleged inappropriate coding for the care given and lab work ordered. Dr. Wong answered the Board’s questions and stated he does not do his own billing and is an employee of a larger healthcare corporation.

**MOTION:** Mr. Landau moved for **DISMISSAL**. Dr. Reiss seconded.

**VOICE VOTE:** The motion carried unanimously.

H. DO-15-0262A Hudson Lee, DO LIC. #4625

Dr. Lee was not present. The Board continued the case.

I. DO-16-0026A Ayad Agha, DO LIC. #4341

Dr. Sabeeh was recused.

Dr. Agha was present and was sworn in by the court reporter. The Investigator reviewed the case. Dr. Agha answered the Board’s questions. After discussion and consideration, the Board determined there was no statutory violation.

**MOTION:** Dr. Reiss moved for **DISMISSAL**. Mr. Riggs seconded.

**ROLL CALL VOTE:** The motion carried 4-0-1.

	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				

J. DO-16-0042A Linda Ivana Sodoma, DO LIC. #3413

Dr. Sodoma was not present. The Executive Director reported the notice was sent by Federal Express and was signed for at Dr. Sodoma’s office. However, the receipt confirming attendance at the hearing was not received.

The Board directed staff to re-notice Dr. Sodoma for the November meeting. If she does not respond to the request to appear, the Board will consider referring the case to formal administrative hearing.

K. DO-13-0061A Aaron Craig Love, DO LIC. #4373

Dr. Love was not present. The Board continued the case.

L. DO-13-0207A Aaron Craig Love, DO LIC. #4373

Dr. Love was not present. The Board continued the case.

**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 I AND (I).**

The Board recessed for a short break at 2:25 p.m. and resumed Open Session at 2:55 p.m.

A. DO-11-0027A David Joshua Orringer, DO LIC. #4568

Dr. Orringer was not present. Dr. Orringer requested early termination of his order. The Board discussed the request. The Executive Director reported Dr. Orringer is being monitored by CPEP. In each of the reports the Board received, Dr. Orringer failed to meet general standards in two of ten cases.

The Board took no action on Dr. Orringer's request.

**MOTION:** Mr. Landau moved for a chart review of all cases CPEP indicated involved substandard care. Dr. Reiss seconded.

**VOICE VOTE:** The motion carried unanimously.

B. DO-15-0103A E. Griffin Cipolla, DO LIC. #2811

The Executive Director reviewed the current status of this case. Dr. Cipolla recently completed 20 hours of CME in the area of patient communication at CPEP. He has also requested an extension of time to complete the remainder of the required CME.

**MOTION:** Dr. Cunningham moved to grant the request for an extension of time to complete non-disciplinary CME to December 31, 2016. Dr. Sabeeh seconded.

**VOICE VOTE:** The motion carried unanimously.

C. DO-15-0118A & DO-15-0228A William Curtis Stonecipher, DO LIC. #0468

This matter was resolved with Case No. DO-16-0068A.

D. DO-15-0096A Theron Christopher Tilgner, DO LIC. #3501

Dr. Tilgner was not present. The Executive Director reviewed Dr. Tilgner's request for an extension of time to complete Board ordered non-disciplinary CME.

**MOTION:** Mr. Landau moved to grant the request for an extension of time to complete non-disciplinary CME to December 31, 2016. Dr. Reiss seconded.

**VOICE VOTE:** The motion carried 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. DO-16-0171A Richard Thomas Arriviello, DO Applicant

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

**MOTION:** Dr. Steingard moved to approve the license application. Dr. Reiss seconded.

**VOICE VOTE:** The motion carried unanimously.

B. DO-16-0096A Helene Schwemmer Gerrald, DO Applicant

Dr. Gerrald was present. The Executive Director reviewed the license application. Dr. Gerrald answered the Board's questions. While Dr. Gerrald recently passed her specialty board certification exams, her clinical practice history did not meet the requirement of continuous practice for at least seven (7) of the last ten (10) years. She stated she intended to practice administrative medicine only.

**MOTION:** Dr. Reiss moved to approve the license application pursuant to a non-disciplinary Consent Agreement to practice administrative medicine only.

**VOICE VOTE:** Motion carried unanimously.

C. DO-16-0074A Michael Harold Bishop, DO Applicant

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

**MOTION:** Dr. Steingard moved to approve the license application. Dr. Reiss seconded.

**VOICE VOTE:** The motion carried unanimously.

D. DO-16-0169A Stanley Frank Uchman, DO Applicant

Dr. Uchman was present. The Executive Director reviewed the license application. The Board discussed their options and determined that while Dr. Uchman had no professional conduct issues and was otherwise in good order, Dr. Uchman's clinical practice history did not meet the requirement of continuous practice for at least seven (7) of the last ten (10) years.

Dr. Uchman voluntarily withdrew his license application.

**10. 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 22 cases dismissed between July 21, 2016 and September 12, 2016. Also during this time period, the Board resolved a total of 38 cases in an average 225 days. She provided a written report to the Board members with the statutorily required information.

#### B. President & Board Member Reports

Ms. Jones has scheduled a meeting for Dr. Steingard and Mr. Landau with Senator Barto and Representative Lawrence.

Mr. Landau will be attending a three-day FSMB meeting in October.

Dr. Steingard, will be attending a meeting in Washington, D.C. as a member of an FSMB committee which will be putting together guidelines for physician burnout.

#### C. Executive Director Report

Ms. Jones reported there are 220 pending complaints, including 37 compliance cases.

##### 1. Financial Report

Ms. Jones reported the Board received additional appropriation for the temporary licensure provision and received monies to buy needed equipment.

##### 2. Other News

Meeting - Consolidation is back on the table. DHS hired a consultant to report on consolidation of all health boards. Same consultant was hired to do a report on consolidation of all non-health reports.

##### 3. Report on Proposed Agency Relocation

Ms. Jones informed the Board ADOA has presented a plan to put all health care agencies in the 1740 W. Adams building in downtown Phoenix. The moving date is tentatively May or June, 2017, and the state is selling the Scottsdale properties.

##### 4. Legislation and Rules Update

Ms. Jones reported that a Rules writer was employed to re-write Rules as recommended by the Auditor General's report. Requirement for fingerprinting needs to be added into Statute due to the Interstate Medical Licensure Compact law.

Ms. Jones reported she will be opening a Rules package for the Interstate Compact.

The Board discussed requiring osteopathic physicians holding both a DO license and a homeopathic license to require patients to sign a consent relinquishing their right to be treated with osteopathic conventional medicine.

The Board requested staff to include a change in the Rule for CME renewal requirements. Ms. Jones informed the Board she will need to obtain approval for Rule changes that are not related to the Interstate Compact or the Auditor General's report.

- D. Board may review, discuss and take action concerning information from The Wright Center relating to Post-Graduate Training permittees and the possible unlicensed practice of medicine.

The Board discussed the circumstances and acknowledged that it is the residency program's responsibility. The Board directed staff to write a letter to the residency program.

- E. Proposed 2017 meeting schedule.

Ms. Jones requested anyone who has a conflict with the proposed schedule please let her know. Dr. Cunningham requested to add a tentative meeting in October. Dr. Sabeeh and Mr. Landau will not be available for the March meeting.

- F. Board may elect representative to serve on the Interstate Medical Licensure Compact Commission.

The Board chose to do this in November.

- G. Board may review, discuss and take action on fees associated with Interstate Medical Licensure Compact.

The Board agreed an application fee was not necessary and discussed an appropriate issuance fee of \$180.00. They agreed a fee of \$200.00 for the State of Principle Licensure Qualification Letter and an additional \$50.00 fingerprinting cost would be reasonable.

#### **11. BOARD MAY REVIEW, DISCUSS AND MAKE DECISION TO ACCEPT JURISDICTION OR REFER COMPLAINT REGARDING RICK SHACKET, DO TO THE ARIZONA HOMEOPATHIC BOARD.**

Dr. Shacket was not present. His letter requested the Board refer the complaint to the Homeopathic Board. The complaint alleged Dr. Shacket was treating brain cancer with "insulin potentiation therapy". The records indicate he is supervising a physician's assistant (PA) along with other concerns and the Board felt this warranted jurisdiction.

**MOTION:** Dr. Steingard moved to deny the request. Mr. Riggs seconded.

Dr. Steingard withdrew his motion. Mr. Riggs seconded. The Board directed staff to discuss an agreement for dual jurisdiction with the Homeopathic Board.

#### **12. ADJOURNMENT**

The meeting adjourned at 3:11 p.m.