



Governor
Douglas A. Ducey

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

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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, July 30, 2016

- BOARD MEMBERS PRESENT:** Douglas Cunningham, D.O., President
Jerry G. Landau, J.D., Vice President
Gary A. Erbstoesser, D.O.
Martin Reiss, D.O.
Scott A. Steingard, D.O.
- BOARD MEMBERS ABSENT:** Vas Sabeeh, 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
Cindy Bachman, CVR, Ottmar & Associates (morning)
Robin Jasper, RPR, Ottmar & Associates (afternoon)

1. CALL TO ORDER

Dr. Douglas Cunningham, Board President, called the meeting to order at 8:08 a.m. and read the Board's mission statement.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. Five (5) 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. May 21, 2016 Open Session

MOTION: Dr. Steingard moved to approve the minutes. Dr. Reiss seconded.
VOICE VOTE: Motion carried 5-0.

B. May 21, 2016 Executive Session

MOTION: Dr. Steingard moved to approve the minutes. Dr. Reiss seconded.
VOICE VOTE: Motion carried 5-0.

C. June 13, 2016 Open Session (Teleconference)

MOTION: Dr. Steingard moved to approve the minutes. Dr. Reiss 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)

A. DO-15-0294A Azmi Nazih Nasser, DO License No. 005299

Dr. Nasser was not present. The Board discussed the case. The Board directed staff to request a copy of the MRI results and to have a radiologist review the findings.

MOTION: Dr. Steingard moved for an **Investigative Hearing**. Dr. Cunningham seconded.
VOICE VOTE: Motion carried 5-0.

B. DO-15-0147A Brent Robert Jacobson, DO License No. 006193

Dr. Jacobson was not present. The Board discussed the case.

Dr. Cunningham moved to enter Executive Session to obtain legal advice. Dr. Reiss seconded. The Board entered Executive Session at 8:19 a.m. and returned to Open Session at 8:28 a.m.

MOTION: Mr. Landau moved for an **Investigative Hearing**. Dr. Steingard seconded.
VOICE VOTE: Motion carried unanimously.

C. DO-15-0005A Paul Spencer Ruble, DO License No. 2504

Dr. Ruble was not present. The Board discussed the case.

MOTION: Dr. Steingard moved to uphold the **Executive Director Dismissal**. Mr. Landau seconded.
VOICE VOTE: The motion carried 5-0.

C. DO-15-0267A Michael Craig Weiss, DO License No. 4780

Dr. Weiss was not present and was represented by attorney Kevin Nicholas.

MOTION: Dr. Steingard moved to uphold the **Executive Director Dismissal**. Mr. Landau seconded.
VOICE VOTE: The motion carried 5-0.

Board recessed for a short break at 9:35 a.m. and resumed Open Session at 9:44 a.m.

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

A. DO-15-0165A Ali Rajaei-Tehrani, DO License No. 4383

Dr. Rajaei-Tehrani was present with attorney Stephen Myers. Mr. Myers requested a continuance until the criminal case is resolved. It is set for trial in September.

MOTION: Dr. Cunningham moved to grant a continuance. Dr. Reiss seconded.
VOICE VOTE: The motion carried 5-0.

B. DO-14-0219A Robert Ian Marouk, DO License No. 3583

Dr. Marouk was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. The case involved a medical malpractice settlement related to breast augmentation surgery. Dr. Marouk answered the Board’s questions. The Board expressed concern regarding the lack of history and physical examination documentation in the chart.

MOTION: Dr. Steingard moved for a non-disciplinary **Letter of Concern** for an inadequate pre-op exam. Mr. Landau 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

C. DO-14-0307A Robert Ian Marouk, DO License No. 3583

Dr. Marouk was present with attorney Stephen Myers. The Executive Director reviewed the case. Mr. Myers addressed the Board.

Dr. Cunningham moved to enter Executive Session to obtain legal advice. Dr. Reiss seconded. The Board entered Executive Session at 10:29 a.m. and returned to Open Session at 10:35 a.m.

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 10:36 a.m. and returned to Open Session at 10:53 a.m.

MOTION: Mr. Landau moved for a **Decree of Censure** for violation of (22), (38) and (39) for a DUI conviction and illegal drug use.

Dr. Cunningham moved to enter Executive Session to obtain legal advice. Dr. Reiss seconded. The Board entered Executive Session at 11:01 a.m. and returned to Open Session at 11:06 a.m.

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

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

Dr. Ratcliffe was present with attorney Stephen Myers. The Investigator reviewed the case which involved a federal indictment for illegally prescribing, using, sharing and selling controlled substances, creating false patient records, prescribing without maintaining patient records, exchanging drugs for sexual favors and sexual involvement with a patient. Dr. Ratcliffe addressed the Board and answered questions.

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. Ratcliffe and Mr. Myers at 11:14 a.m. and returned to Open Session at 11:45 a.m.

MOTION: Mr. Landau moved to find Dr. Ratcliffe in violation of A.R.S. § 32-1854(2), (3), (5), (6), (20), (21), (35), (36), (37), (45) & (48). There was no second.

The Board deliberated regarding the level of action to take and Mr. Landau recommended revocation. The Board discussed the case and acknowledged that Respondent is currently under an interim suspension order. Mr. Landau rescinded his motion.

Board directed staff to request Dr. Sucher to be present at the November meeting. The Board continued the case to November.

E. DO-15-0045A Danny Edward McClure, DO License No. R2252

Dr. McClure was present and provided an update regarding his case. He was charged in 2015 for actions related to a domestic dispute. Dr. McClure informed the Board that the Court offered a dismissal in exchange for a diversion program. Upon completion, all charges were dismissed.

MOTION: Mr. Landau moved for a non-disciplinary **Letter of Concern**. 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

F. DO-15-0202A Carlton Arthur Richie, DO License No. 3440

Dr. Richie was present with attorney Mike Bradford and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint alleged inappropriate prescribing which led to the death of a patient. The Complainant and her husband, parents of the patient, were present, were sworn in by the court reporter, and answered the Board's questions.

Dr. Richie reported he had completed PACE courses in pain management and prescribing. The Board expressed concern regarding his former prescribing practices and acknowledged Dr. Richie had already attended the prescribing and pain management courses the Board would have sent him to complete. Dr. Richie stated he is no longer prescribes Schedule 2 controlled substances for chronic non-cancer pain patients and is referring all pain patients to specialists.

MOTION: Mr. Landau moved for a non-disciplinary **Letter of Concern** for prescribing practices and non-disciplinary **Continuing Medical Education** in pain management and medical record keeping which has already been completed. 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

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.

G. DO-15-0232A William W. Willis, DO License No. 4742

Dr. Willis was not present.

MOTION: Dr. Steingard moved to refer this case to **Formal Administrative Hearing** due to the suspension in West Virginia, criminal charges and failure to appear. Mr. Landau seconded.

VOICE VOTE: The motion carried unanimously.

H. DO-15-0106A James William Osborne, DO License No. 4439

Dr. Osborne was present with attorney Stephen Myers and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint alleged failure to diagnose cancer of the nasal pharynx. Dr. Osborne addressed the Board and answered questions. The Complainant was also present, sworn in by the court reporter, and addressed the Board. The Board expressed concern that the biopsy Dr. Osborne completed was not recorded and results not tracked or received.

MOTION: Dr. Reiss felt this type of cancer is very difficult to diagnose and the Respondent did attempt to determine if cancer was present. For these reasons Dr. Reiss moved for **Dismissal**. Dr. Steingard seconded.

ROLL CALL VOTE: The 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

I. DO-15-0054A Jerry Alan Olshan, DO License No. 1376

MOTION: Dr. Steingard moved to refer the case to **Formal Administrative Hearing** for Respondent’s failure to respond to a Board complaint and the findings in the investigation report. Mr. Landau seconded.

J. DO-16-0038A Joshua Andrew Tauber, DO License No. N/A

The Board recessed for a short break at 2:40 pm and returned to Open Session at 2:48 p.m.

Dr. Tauber was not present. Ms. Jones presented the case and the Board’s options.

MOTION: Mr. Landau moved to refer this case to **Formal Administrative Hearing** if Dr. Tauber refuses to sign the Consent Agreement and surrender his postgraduate training permit. Dr. Cunningham seconded.

VOICE VOTE: The motion carried unanimously.

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 I AND (I).

A. DO-15-0118A William Curtis Stonecipher, DO License No. 0468

Dr. Stonecipher was present. The Executive Director reviewed the case. Dr. Stonecipher is currently under restriction for prescribing and is requesting to have the restrictions lifted and have a clinical supervisor who would monitor his prescribing.

The Board declined to grant the request.

B. DO-15-0081A Clinton Douglas Damron, DO License No. 4407

Dr. Damron was present with attorney Steven B. Perlmutter, MD. Dr. Perlmutter requested the Board to lift sanctions including practice restriction for prescribing and presented a plan for patients to be properly monitored and referred out to pain management which is now available in his rural area. Dr.

Damron answered the Board’s questions and explained the positive changes in his practice as a result of the three-day PACE course.

MOTION: Dr. Reiss moved to lift the prescribing restriction and terminate the Consent Agreement. Dr. Erbstoesser seconded.

ROLL CALL VOTE: The 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

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, DO License No. N/A

Dr. Akhtar was present. The Executive Director reviewed the license application. Dr. Akhtar has had one medical malpractice settlement and did not disclose two academic probations during residency. He also did not disclose licenses in other states. Dr. Akhtar answered the Board’s questions. The Board expressed concern regarding Dr. Akhtar’s failure to fully disclose his professional history on the license application.

The Board requested Dr. Akhtar provide letters of recommendation from mentors, teachers and/or colleagues with whom he works who are in good standing. The Board tabled the license application review until these have been received.

At 5:52 p.m. the Board reopened this matter and reviewed the letters received.

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

ROLL CALL VOTE: The 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

B. DO-16-0115A Gregg Alan Kling, DO License No. N/A

Dr. Kling was present and answered the Board’s questions.

Dr. Reiss moved to enter Executive Session to review records and testimony regarding records which are confidential by statute. Dr. Erbstoesser seconded. The Board entered Executive Session with Dr. Kling at 3:42 p.m. and returned to Open Session at 3:57 p.m.

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

VOICE VOTE: Motion carried unanimously.

C. DO-16-0047A Darin Dale Ott, DO License No. N/A

Dr. Ott was not present. This case was continued.

D. DO-16-0135A Matthew Darrell Belshe, DO License No. N/A

Dr. Belshe was present with attorney Steven B. Perlmutter, MD. The Executive Director reviewed the license application. Dr. Belshe disclosed a prior conviction in his application but did not report it on his prior postgraduate training permit applications. Dr. Perlmutter addressed the Board. Dr. Belshe answered the Board’s questions. Laura Elias De La Torre, MD, Medical Director at Pascua Yaqui Health Center, addressed the Board and recommended Dr. Belshe’s practice of medicine, ethics and compassion to the Board.

Dr. Reiss moved to enter Executive Session to review records and testimony regarding records which are confidential by statute. Dr. Erbstoesser seconded. The Board entered Executive Session with Dr. Belshe and Dr. Perlmutter at 4:17 p.m. and returned to Open Session at 4:29 p.m.

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

ROLL CALL VOTE: The 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	0						X	X

E. DO-16-0114A Troy Henry Caron, DO License No. N/A

Dr. Caron was present with attorney Kevin Nicholas. The Executive Director reviewed the license application. Dr. Caron disclosed a pending medical malpractice case, a misdemeanor which occurred over a ten years ago, and an administrative penalty imposed by the Texas Board. Dr. Caron answered the Board’s questions.

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

VOICE VOTE: The motion carried 5-0.

F. DO-16-0103A Mansi D Dave, DO License No. N/A

Dr. Dave was present. The Executive Director reviewed the postgraduate training permit application. Dr. Dave disclosed a DUI in 2012. Dr. Dave addressed the Board and expressed her deep regret for her actions and now practices complete abstinence from alcohol.

MOTION: Dr. Reiss moved to approve her postgraduate training permit application. Dr. Steingard seconded.

VOICE VOTE: Motion carried unanimously.

G. DO-16-0113A Michael Scott Moore, DO License No. N/A

Dr. Moore was present. The Executive Director reviewed the license application. Dr. Moore stated he was entering a dermatology research fellowship with Affiliated Dermatology with the intention of seeking a match in the Spring of 2017 for a resident position.

Dr. Reiss 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. Moore at 5:20 p.m. and returned to Open Session at 5:30 p.m.

MOTION: Dr. Steingard moved to approve a postgraduate permit application. There was no second.

Ms. Jones reminded the Board Dr. Moore had applied for a license, not a postgraduate training permit. Dr. Steingard withdrew his motion. The Board directed Dr. Moore to ask Affiliated Dermatology if Dr.

C. Executive Director Report

1. Financial Report

Ms. Jones requested a short phone meeting in the near future to discuss the proposed FY-2018's budget.

Ms. Jones requested the Board consider holding a half-day meeting in October to complete Investigative Hearings. The Board discussed October 8, 2016 as a possible meeting date.

2. Legislation Update

Ms. Jones reported that she received a call from ADOA to meet with her about moving our facilities to downtown Phoenix. She will report more at the September meeting.

D. Board may review, discuss and take action on letter from Arthur Wittich, D.O.

Ms. Jones reviewed Dr. Wittich's request. The Board discussed the matter and acknowledged it has no legal authority to approve a renewal after a license expires.

E. Board may review, discuss and take action on National Defense Authorization Act for Fiscal Year 2017 (S.2943)

The Board expressed concern that this Act bases medical care on where the patient is located, not where the doctor is licensed.

MOTION: Mr. Landau authorized Ms. Jones to send a letter. Dr. Steingard seconded.

VOICE VOTE: Motion carried unanimously.

F. Board may review and discuss new legislation effective August 6, 2016.

The Board briefly discussed the legislation.

12. ADJOURNMENT

The meeting adjourned at 6:17 p.m.