



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.  
Jonathan A. Maitem, D.O.  
Martin Reiss, D.O.  
Lew Riggs, Ed.D.  
Christopher Spiekerman, 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 16, 2017**

**BOARD MEMBERS PRESENT:**

Douglas Cunningham, D.O. President  
Jerry G. Landau, J.D., Vice-President  
Gary A. Erbstoesser, D.O.  
Jonathan A. Maitem, D.O.  
Martin Reiss, D.O.  
Lew Riggs, Ed.D.

**BOARD MEMBERS ABSENT:**

Christopher Spiekerman, D.O.

**STAFF / OTHERS PRESENT:**

Jenna Jones, Executive Director  
Rachel Shepherd, Investigations Manager  
Barbara Prah, D.O., Medical Consultant  
John O'Hair-Schattenberg, Investigator  
Kathy Fowkes, Licensing Administrator  
Jeanne Galvin, Assistant Attorney General  
Michael Raine, Assistant Attorney General (morning)  
Debora Mitchell, CVR, Ottmar & Associates (a.m.)  
Cindy Bachman, CVR, Ottmar & Associates (p.m.)

**1. CALL TO ORDER**

Dr. Douglas Cunningham, Board President, called the meeting to order at 8:05 a.m. and read the Board's mission statement: "The mission of the Board is to protect the public by setting educational and training standards for licensure, and by reviewing complaints made against osteopathic physicians, interns, and residents to ensure that their conduct meets the standards of the profession, as defined in law (A.R.S. § 32-1854)."

**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.
- 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 6, 2017 Open Session

**MOTION:** Dr. Maitem moved to approve the minutes. Dr. Erbstoesser seconded.

**VOICE VOTE:** Motion carried unanimously.

B. May 15, 2017 Open Session

**MOTION:** Mr. Riggs moved to approve the minutes. Dr. Maitem seconded.

**VOICE VOTE:** Motion carried unanimously.

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

A. DO-17-0073A      Brett Reid DeGooyer, DO      License No. 006669

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

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

**VOICE VOTE:** Motion carried unanimously.

B. DO-17-0085A      Marc Brian Grant, DO      License No. 1609

Respondent was not present. The Board stated there were concerns about the case.

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

**VOICE VOTE:** Motion carried unanimously.

**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 (D))**

A. DO-16-0166A      Semone Barrie Rochlin, DO      License No. 4462

The Respondent was not present. The Complainant was present and made a statement. The complaint alleged substandard surgical technique. After discussion and consideration, the Board found no statutory violation.

**MOTION:** Mr. Riggs moved to uphold the Executive Director **Dismissal**. Dr. Maitem seconded.

**VOICE VOTE:** Motion carried unanimously.

During her testimony, the Complainant alleged the Respondent altered her medical records. Because this was not part of the initial complaint, the Board invited the Complainant to file a new complaint regarding this matter so it can be investigated.

B. DO-16-0225A      Daniel Joseph English, DO      License No. 005551

The Respondent and Complainant were not present.

**MOTION:** Dr. Maitem moved to uphold the Executive Director **Dismissal**. Mr. Riggs seconded.

**VOICE VOTE:** Motion carried unanimously.

- C. DO-16-0271A Rex Dale Cooley, DO License No. 3733

The Respondent and Complainant were not present.

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

**VOICE VOTE:** Motion carried unanimously.

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

- A. DO-16-0245A Douglas Alan Bobb, DO License No. 1990

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint alleged substandard care. The Respondent 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 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1							X

- B. DO-17-0005A Noreen Catherine Ruane, DO License No. 005435

This case was continued.

- C. DO-16-0247A Anne Lauren Maiden, DO License No. 005785

The Respondent was present with attorney Donald H. Smith and was sworn in by the court reporter. At the request of the Board, the Respondent stated her education and training. The Medical Consultant reviewed the case. The complaint alleged prescribing an antibiotic for a patient without a physical exam or maintaining medical records. The Respondent answered the Board’s questions and stated the patient’s mother was a close friend and was in the midst of a divorce. The Board advised Dr. Maiden to do an in-person history and physical first before prescribing.

**MOTION:** Mr. Landau moved for a **Dismissal**. Dr. Maitem seconded.

**ROLL CALL VOTE:** The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1							X

D. DO-16-0235A      Andrew Michael Epstein, DO      License No. 006454

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint alleged the Respondent abandoned a patient. The Board did not find the allegations in the complaint to be valid, but review of the medical records raised concerns regarding medical record keeping and prescribing practices. The Respondent answered the Board’s questions.

**MOTION:** Mr. Landau moved for 20 hours non-disciplinary Continuing Medical Education, ten (10) hours in the area of medical record keeping and ten (10) hours in the area of opioid prescribing, to be pre-approved by the Executive Director and completed within six months. Dr. Maitem seconded.

**ROLL CALL VOTE:** The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1							X

E. DO-17-0060A      Steven Craig Willis, DO      PGT Permit No. R2509

The Respondent was present with attorney Jay Volquardsen and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The case was opened after self-reporting a DUI. Dr. Willis answered the Board’s questions and provided documentation that demonstrates he is in compliance with the court’s requirements.

Respondent consented to appear before the Board at the March 24, 2018 meeting to give an update.

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

**ROLL CALL VOTE:** The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1							X

The Board recessed for a short break at 9:52 a.m. and returned to Open Session at 10:05 a.m.

**8. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855(E). (AFTER 1:00 P.M.)**

Cases in this section were called after 1:00 p.m.

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

The Respondent was not present.

**MOTION:** Dr. Cunningham moved to refer this case to Office of Administrative Hearing for the purpose of revocation. Dr. Reiss seconded.

**ROLL CALL VOTE:** The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1							X

G. DO-17-0088A Charles Walter Welly, DO License No. 2248

The Respondent was present with his son Nathan Welly, P.A. and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint alleged inappropriate prescribing. The Medical Consultant also expressed concern regarding lack of supervision of the P.A. in this case. Dr. Welly answered the Board's questions.

The Board directed staff to complete a 10-Chart review of pain management patients. The case was continued to the November 18, 2017 meeting.

**MOTION:** Mr. Landau moved to refer this case to the Physician Assistants Board. Dr. Maitem seconded.

**VOICE VOTE:** Motion carried unanimously.

H. DO-17-0069A      Charles Walter Welly, DO      License No. 2248

Respondent was accompanied by his attorney David S. Cohen and remained sworn in. The Medical Consultant reviewed the case. The complaint resulted from a malpractice settlement wherein it alleged failure to order a screening colonoscopy resulting in a delay in diagnosis of colon cancer. Dr. Welly answered the Board’s questions.

**MOTION:** Dr. Cunningham moved for a Letter of Concern for failure to diagnose carcinoma of the colon. Dr. Maitem seconded.

Dr. Cunningham moved to enter Executive Session to obtain legal advice. Dr. Maitem seconded. The Board entered Executive Session at 2:07 p.m. and returned to Open Session at 2:13 p.m.

Dr. Cunningham withdrew his motion. Dr. Maitem withdrew his second.

Mr. Cohen addressed the Board. The Board expressed concern regarding Respondent’s preventive care and follow up on referrals and orders for studies.

The Board ordered staff to complete a 10-chart review for assessing his current records for preventive care, selecting charts of patients who have been seen in the last six months, both long-term patients and new patients.

This case was continued to the November 18, 2017 meeting.

I. DO-15-0295A      Michael Ira Berman, DO      License No. 2440

The Respondent was present and was sworn in. The Investigator reviewed the case. The complaint alleged domestic assault charges which were dismissed by the court. The Respondent had not reported the charges to the Board in a timely manner. He stated there were inaccuracies in the police account.

**MOTION:** Mr. Landau moved for a **Letter of Concern** for failure to report charges. Dr. Erbstoesser seconded.

**ROLL CALL VOTE:** The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1							X

J. DO-17-0022A      Jeffrey Lane Amato, DO      License No. 3747

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint,

a malpractice settlement, alleged failure to diagnose cardiovascular deficiency which resulted in below the knee amputation. The Respondent answered the Board’s questions.

**MOTION:** Dr. Erbstoesser moved for a **Letter of Concern** for failure to diagnose. Dr. Riggs seconded.  
**ROLL CALL VOTE:** The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1							X

**MOTION:** Mr. Landau moved to refer this case to the Physician Assistants Board. Dr. Erbstoesser seconded.  
**VOICE VOTE:** The motion carried unanimously.

The Board completed Agenda Item 12, then recessed for lunch at 11:21 p.m. and returned to Open Session at 12:42 p.m. with Item 9-A.

**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-10-0109A Michael Ira Berman, DO License No. 2440

The Respondent was present and was sworn in by the court reporter. At the Board’s request, the Respondent stated his education and training, and that he has not been in clinical practice since 2009 but has a DEA registration.

Mr. Landau moved to enter Executive Session to review confidential records and testimony. Dr. Maitem seconded. The Board entered Executive Session with Respondent at 12:43 p.m. and returned to Open Session at 1:12 p.m.

**MOTION:** Mr. Landau moved as discussed in Executive Session. Dr. Maitem seconded.  
**VOICE VOTE:** Motion carried unanimously.

B. DO-14-0206A Carl Edward Ferguson, DO License No. 2244

Respondent was present with attorney Ms. Jessica Miller. The Executive Director reviewed the Board order. Respondent completed the PACE evaluation. The Board considered a proposed Consent Agreement with changes requested by Respondent. The Consent was received yesterday from the Respondent’s attorney.

This case was continued to the October 14, 2017 meeting to give the Board time to review the Respondent’s requests for changes to the Consent Agreement.

**10. BOARD MAY REVIEW, DISCUSS AND TAKE ACTION ON MOTION TO DEEM ALLEGATIONS ADMITTED**

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

The Respondent was not present. Michael Raines, AAG was present to represent the Board. Jeanne Galvin, AAG represented the State. The state filed a motion asking the Board to deem the allegations in the Complaint and Notice of Hearing as admitted pursuant to A.R.S. § 32-1855(G). The State presented a brief statement to the Board about the request. Respondent was not present to address the Board.

**MOTION:** Dr. Cunningham moved to grant the State's motion and deem the allegations in the Complaint and Notice of Hearing as admitted pursuant to A.R.S. § 32-1855(G). Dr. Reiss seconded.

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

**MOTION:** Dr. Cunningham moved to adopt the Factual Allegations set forth in the State's Complaint and Notice of Hearing as Findings of Fact. Dr. Reiss seconded.

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

**MOTION:** Dr. Cunningham moved to adopt the alleged violations and charges of unprofessional conduct set forth in the State's Complaint and Notice of Hearing as Conclusions of Law. Mr. Riggs seconded.

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

Ms. Galvin, representing the State of Arizona, requested the Board revoke the Respondent's license.

**MOTION:** Dr. Cunningham moved to revoke the Respondent's license. Mr. Riggs seconded.

Mr. Landau expressed his concern that the Respondent was not in attendance. Mr. Landau felt the Respondent should be given one more opportunity to be present and argue his case.

Dr. Cunningham expressed his preference that the Board be unanimous in its decision to revoke and withdrew his motion. Mr. Riggs withdrew his second.

The Board directed staff to re-notice the Respondent at his most recent address of record regarding the hearing for October.

The case was tabled until the meeting scheduled Saturday, October 14, 2017.

**11. 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-17-0080A      Darin Dale Ott      License No. N/A

The Respondent was present. The Executive Director reviewed the application. The Respondent reported a settlement on his application. The Respondent answered the Board's questions.

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

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



B. DO-17-0166A      Michael Richard Jarvis      License No. N/A

The Respondent was present. The Executive Director reviewed the application. The Respondent reported a DUI in 2004 and four settlements on his application. The Respondent answered the Board's questions.

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

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

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

A. Report on ED Dismissed Complaints

Ms. Jones advised there were 13 cases which were ED dismissed from June 7, 2017 to September 11, 2017. A total of 42 cases were resolved during that same time period, with an average of 157 days to resolve.

Ms. Jones reported there were 16 cases ready for the three reviewer process, 13 cases pending Investigative Hearing, 15 cases on September's agenda, and 28 cases were resolved today on the Committee agendas.

She presented further statutorily required information in her written report.

B. President and Board Member Reports

Mr. Landau reported his recent visits to the medical boards of Guam and the Virgin Islands. He stated he appreciated their hospitality and enjoyed learning how they operate. He stated the visits re-confirmed for him the importance of communication between medical boards. He stated members of these Boards will be in attendance at the October 25-27, 2017 Federation of State Medical Boards (FSMB) Board of Directors meeting in Dallas.

Mr. Landau, currently Chair of FSMB's Bylaws Committee, reported that opioid prescribing, physician wellness and physician burnout will be important topics of conversation and included in suggestions for changes to the FSMB's bylaws at the October meeting.

Mr. Landau also reminded the Board that the Interstate Medical Licensure Compact Commission (IMLCC) meeting will be held in November in Phoenix and a representative from FSMB is scheduled to visit the Osteopathic Board in November also.

C. Executive Director Report

1.) Financial Report

Mr. Jones provided a report to the Board.

2.) Summary of Current Events that Affect the Board and move to 1740 W. Adams.

The Board office is slated to move to 1740 W. Adams the first week of January. Board staff will be housed on the second floor.

Ms. Jones reported regarding IT issues involved in the move. The Board currently shares an IT system with the Medical Board (AMB). Because of wiring issues in the new building, Ms. Jones reported that she is exploring unraveling the Board's system from AMB. She is looking at going to a cloud-based solution and no longer utilizing AMB's services. The State has offered computer support. Our current VDI system for the Board meetings may not be able to be maintained. Ms. Jones is exploring other options.

In the new building, Board meeting rooms will be on the first floor. Because the Board meets on Saturdays, the Board will need to pay for its own security.

The State is moving all agencies from MS Office to Google-G prior to the move. Staff can continue using MS Office software for a while but eventually may need to move to Google-G.

### 3.) Legislation Update

This information was reviewed under 12-D.

#### D. Board may review, discuss and take action on legislative report from Mary Williams, A.A.G.

Ms. Williams prepared a legislative update for all the statutes that recently went into effect.

- HB 2186/A.R.S. § 18-305(D) adds a new website reporting requirement. The Board is required to have a link to the Ombudsman's office on the Board's website.
- HB 2271/A.R.S. § 32-4303: Addresses equivalency of military training to qualify for licensure.
- HB 2290/A.R.S. § 41-1093: addresses provisional licensure for those who have a felony conviction. The Bill makes it optional for agencies to participate and offer provisional licensure. Mr. Landau explained that this bill is one of a number of steps governments are taking to assist persons convicted of a felony to reenter into the community. Revocation of a provisional license will preclude the individual from applying for a full license. The Board does not have an exclusionary statute so it isn't necessary for staff to create a new application for this. Applicants with felony convictions will be handled on a case by case basis.
- HB 2307/A.R.S. §§ 32-3219 and 36-2604: This bill amended the laws relating to the CSPMP, which is maintained by the Pharmacy Board. The law was changed to require Boards to notify new and renewing applicants of their responsibility to register with CSPMP rather than needing applicants to fill out a form and submit it to the licensing Boards.
- HB 2372/A.R.S. § 41-1080.01: Fee Waiver: This new law requires an agency to waive any fee for an initial license for a first-time applicant whose family income does not exceed 200% of the federal poverty guidelines. Timeframes may not be met if the Board must have DES verify income and there are liability issues regarding sending confidential information to DES.
- HB 2515/A.R.S. § 32-1203: Adds requirement for new Board members appointed by the Governor to be fingerprinted. It is not retroactive.
- SB 1023/ A.R.S. § 36-260: This amends statutes related to CSPMP by adding Schedule V drugs to those included in the program. Dispensing medical practitioners must now report Schedule V medications.
- SB 1055/A.R.S. § 41-1027: Amends the law by adding two justifications for engaging in expedited rulemaking.

- SB 1072/A.R.S. §§ 12-348(A)(7) and 12-910(E): Added a new provision which allows for the court to award fees/costs to a prevailing party in a civil action brought to challenge an exempt rule, decision, guidelines, enforcement policy or procedure of a state agency on the grounds that the rule, decision, guideline, enforcement policy or procedure is not authorized by the State or violates the Arizona or US Constitution.
- SB 1078/A.R.S. §§ 18-106 and 44-7042: Requires DOA to adopt policies or rules establishing policies and procedures for the use of electronic and digital signatures by state agencies, boards and commissions for documents filed with and by all state agencies, boards and commissions.
- SB 1084: Makes changes to existing laws regarding the retention of electronic records.
- SB 1123/A.R.S. § 41-1234: This bill codifies into law Executive Order 2016-05 which prohibits state agencies, boards, commissions, departments and offices (with limited exceptions) from contracting for lobbyist services, unless the lobbyist is a state employee.
- SB 1437: Makes numerous changes to the Governor's Regulatory Review Council ("GRRC") and the Office of Administrative Hearings ("OAH") statutes.
- SB 1452: Amends the Health Professional statutes and the individual statutes of several regulatory Boards by adding provisions which become effective on December 31, 2017.
  - A.R.S. § 32-3214(A) prohibits disclosure of a pending complaint or investigation. (B) requires that all disciplinary actions and non-disciplinary actions be posted on the Board's website. The non-disciplinary orders/actions shall remain on the Board's website for five years. Letters of Concern are exempt from this law, but are available to the public upon request.
  - A.R.S. § 32-3222(A) A board member who has served two full terms will not be eligible for reappointment for a period of two full terms. (B) requires a Board to make digital recording of all its meetings and retain the recordings for three years. (C) requires boards to post a list of board-specific contract employment opportunities and a link to the state procurement office.
  - A.R.S. § 32-3223 authorizes health boards to establish non-disciplinary confidential programs for the monitoring of licensees or certificate holders who may be chemically dependent or have a psychiatric, psychological or behavioral health disorder that may impact their ability to safely practice or perform their health care task. This Board already has a confidential program for this purpose.
  - A.R.S. § 32-3224, establishes a four-year statute of limitations with respect to a board's ability to investigate complaints of unprofessional conduct. This time limit exempts complaints arising out of malpractice settlements/judgments, cases involving sexual misconduct and instances where a licensee failed to disclose criminal history or unprofessional conduct on an application.
  - A.R.S. § 32-3225 authorizes a board, if requested by the complainant, to order the licensee to reimburse the fees paid by a patient or on their behalf.

E. Board may review, discuss and consider information regarding VA Telehealth Update information.

Mr. Landau reported about Federal legislation that will allow VA health professionals to provide telehealth services through the VA without an Arizona license, and is one solution to the VA healthcare crisis.

F. Board may review, discuss and take action on proposed fingerprinting policies.

Effective September 1, 2017 the Board began fingerprinting new applicants. Jennifer Webb, the staff security specialist, has been proactive in preparing us for this implementation.

- 1.) Policy FP-001: Appropriate Use of Criminal Justice Information (CJI) and Criminal History Record Information (CHRI)
- 2.) Policy FP-002: Violations/Misuse of Criminal History Record Information (CHRI)/Criminal Justice Information (CJI)
- 3.) Policy FP-003: Authorized Personnel - Access to Criminal Justice Information (CJI)/Criminal History Record Information (CHRI)

**MOTION:** Mr. Landau moved to approve the policies. Dr. Maitem seconded.

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

- G. Report from Dr. Prah-Wix on attendance at Goal Council 3 and the Arizona Prescription Drug Misuse and Abuse Initiative Health Care Advisory Team meeting.

Dr. Prah reported that Goal Council 3 is a project that was started to reduce opioid addiction and deaths in Arizona. There are 200 people in the group from many state agencies and private organizations. Goal Council 3 is tasked with providing recommendations for reducing opioid deaths. The latest recommendations included prescribing guidelines for providers, increase naloxone training for law enforcement, and enhanced surveillance of reporting opioid overdose, deaths, NAS, and dispensing and administering naloxone.

Effective October 16, 2017, all prescribers who write for an opioid or benzodiazepines for a patient the first time are required to access the CSPMP, with limited exceptions. For chronic patients, the CSPMP must be reviewed every three months.

Dr. Prah reported the Arizona Prescription Drug Misuse and Abuse Initiative Health Care Advisory Team's recent meeting discussed the emergency response data update thus far. Data included statistics regarding overdoses and fatalities in Arizona, including that the most consistently fatal combination of drugs was opioids taken with Ambien. The Team presented updated Opioid Prescribing Guidelines to the Governor's office on September 5, 2017.

- H. Board may review and adopt proposed 2018 Meeting Calendar

Ms. Jones provided a proposed meeting calendar to the Board and asked the Board members to let her know about conflicts. None were given. The Board requested to add a July or August meeting date. The Board approved the dates on the calendar.

The Board answered the medical students' questions and dismissed them at 3:10 p.m.

### 13. ADJOURNMENT

The meeting adjourned at 3:10 p.m.