



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

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Scott Steingard, D.O., Pres
Douglas Cunningham, D.O., V.P.
Jon B. Fiegen, J.D.
Jerry G. Landau, J.D.
Martin Reiss, D.O.
Vas Sabeeh, D.O.
Michael P. Ward, D.O.

Governor
Janice K. Brewer

Executive Director
Jenna Jones

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

Saturday, February 22, 2014

BOARD MEMBERS PRESENT:

Scott Steingard, D.O., President
Douglas Cunningham, D.O., Vice-President
Jon B. Fiegen, J.D.
Jerry G. Landau, J.D.
Martin Reiss, D.O.
Vas Sabeeh, D.O.
Michael Ward, D.O.

STAFF / OTHERS PRESENT:

Jenna Jones, Executive Director
Barbara Meyers, Deputy Director
Barbara Prah, D.O., Medical Consultant
John O'Hair-Schattenberg, Investigator
Therese Hall, Business Manager
Kathy Fowkes, Admin. Asst. II, Licensing Division
Jeanne Galvin, Assistant Attorney General
Haley Westra, RPR, Ottmar & Associates

1. CALL TO ORDER

Board President Dr. Scott Steingard called the meeting to order at 8:09 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. Seven board members were present, establishing quorum for the meeting. The Executive Director reviewed the agenda and noted any changes.

3. CALL TO THE PUBLIC

- A. Dr. Steingard 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

January 25, 2014 Open Session

MOTION: Dr. Cunningham moved to approve the minutes. Dr. Reiss seconded.
VOICE VOTE: The motion carried 7-0.

January 25, 2014 Executive Session

MOTION: Dr. Cunningham moved to approve the minutes. Dr. Reiss seconded.
VOICE VOTE: The motion carried 7-0.

5. REVIEW, CONSIDERATION AND ACTION ON REHEARING OR REVIEW OF DECISION

A. Shawn Platt, DO Case No. DO-11-0165A License No. 3313

Dr. Platt was present with attorney Dan Cavett. The Executive Director reviewed the case. Dr. Platt had timely filed a motion for rehearing which stayed the previous Order issued by the Board. Dr. Platt voluntarily attended a prescribing course and PACE 1 and 2 evaluations. Mr. Cavett requested the Board grant a rehearing of the case. He requested the Board consider a proposed Consent Agreement. The Board discussed the issues. The Medical Consultant stated that the doctor provided a lot of medical records with the rehearing request which were not included with his response to the initial complaint or at any time during the investigation or previous hearing of this case.

MOTION: Mr. Landau moved for a rehearing for the sole purpose of allowing Dr. Platt to address the Board at the March meeting, if possible. Dr. Steingard seconded.

ROLL CALL VOTE: The motion carried 4-1-1-1, with one abstention and one absence.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	4	X		X	X		X	
NO	1		X					
ABSTAIN/RECUSE	1					X		
ABSENT	1							X

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

Case Reviews

A. Thomas Bell, DO Case No. DO-12-0164A License No. 005210

Dr. Bell was present with attorney Gordon Lewis. The Investigator reviewed the case. Dr. Bell answered the Board's questions.

Mr. Landau moved to enter Executive Session to obtain legal advice. Dr. Steingard seconded. The Board entered Executive Session at 8:30 a.m. and returned to Open Session at 8:44 a.m.

After discussion and consideration, it was determined there was no statutory violation.

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

ROLL CALL VOTE: The motion carried 5-2.

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

B. Thomas Bell, DO

Case No. DO-13-0143A

License No. 005210

Dr. Bell was present with attorney Gordon Lewis. The Medical Consultant reviewed the case. Dr. Bell answered the Board's questions. After discussion and consideration, it was determined there was no statutory violation.

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

ROLL CALL VOTE: The motion carried 7-0.

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

C. Darrell Bunch, DO

Case No. DO-11-0074A

License No. 1330

Dr. Bunch was not present. The Investigator and Executive Director reviewed the case.

Mr. Landau moved to enter Executive Session to obtain legal advice. Dr. Steingard seconded. The Board entered Executive Session at 8:50 a.m. and returned to Open Session at 8:55 a.m.

The Board directed the staff to contact Dr. Bunch, the person Dr. Bunch previously stated is the records custodian, and the complainant. The Board continued the case until the next scheduled meeting.

D. Paul Blumberg, DO

Case No. 3972

License No. 1597

This case was continued.

E. Paul Blumberg, DO Case No. DO-08-4150A License No. 1597

This case was continued.

Reviews of Executive Director Dismissals:

A. George Gibson, DO Case No. DO-13-0103A License No.005432

Dr. Ward recused himself.

Dr. Gibson was not present. The Executive Director reviewed the case. The Board considered all information previous provided as well as new information provided. After discussion and consideration, it was determined there was no statutory violation.

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

VOICE VOTE: The motion carried 6-0, with one recusal.

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

A. John Boccia, DO Case No. DO-12-0170A License No. 3685

Dr. Boccia was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Boccia answered the Board's questions. After discussion and consideration, it was determined Dr. Boccia's medical care was well within the standard of care and there was no statutory violation.

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

VOICE VOTE: The motion carried 7-0.

B. Michael Trainor, DO Case No. DO-13-0005A License No. 4039

Dr. Trainor was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Trainor answered the Board's questions. The Board expressed concern that a neurologist or neurological surgeon did not examine the patient. Dr. Trainor stated he consulted with his trainers who were board-certified spinal surgeons. He stated he had documented these discussions in his discharge summary.

The Complainant was present and was sworn in by the court reporter. The Complainant answered the Board's questions.

Dr. Sabeeh moved to enter Executive Session to obtain legal advice. Dr. Steingard seconded. The Board entered into Executive Session at 10:15 a.m. and returned to Open Session at 10:27 a.m.

After further discussion and consideration, there was a concern about documenting phone consults in the medical record.

MOTION: Dr. Ward moved for **Dismissal**. Dr. Sabeeh seconded.

ROLL CALL VOTE: The motion failed 3-4.

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

MOTION: Dr. Steingard moved for a non-disciplinary **Letter of Concern** due to not seeking further consultation. Dr. Cunningham seconded.

ROLL CALL VOTE: The motion carried 5-2.

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

C. James Corrigan, DO

Case No. DO-13-0043A

License No. 2644

Dr. Corrigan was present with attorney Joseph Kendhammer and was sworn in by the court reporter. The Medical Consultant reviewed the case. Mr. Landau stated the Board received new documents from the attorney just four days prior to the hearing and this was an inadequate amount of time for the Board's review. Mr. Landau stated all documentation to be considered for a case should be filed with the Board at least 14 days before the scheduled hearing. By common consent the case was heard. Dr. Corrigan answered the Board's questions.

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

ROLL CALL VOTE: The motion carried 7-0.

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

D. Aaron Love, DO

Case No. DO-13-0061A

License No. 4373

Dr. Ward recused himself.

Dr. Love was present and was sworn in by the court reporter. The Medical Consultant reviewed the case.

Dr. Cunningham moved to enter Executive Session to obtain legal advice. Mr. Fiegen seconded. The Board entered into Executive Session at 11:29 a.m. and returned to Open Session at 11:40 a.m.

Dr. Love answered the Board's questions. The Board expressed concern regarding Dr. Love's prescribing practices.

Dr. Cunningham moved to enter Executive Session to review and consider records protected by statute. Dr. Steingard seconded. The Board entered into Executive Session with Dr. Love at 12:01 p.m. and returned to Open Session at 12:19 p.m.

The Board directed staff to continue the investigation.

E. Allen Corbett, DO Case No. DO-13-0168A License No. 1372

Dr. Corbett was present with attorney James Shields and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Corbett answered the Board's questions and expressed his intention to retire from the practice of medicine.

MOTION: Dr. Reiss moved for a **Letter of Concern** for failure to complete phase 2 of the PACE evaluation. Dr. Cunningham seconded.

VOICE VOTE: The motion passed unanimously.

F. Lorie Loreman, DO Case No. DO-13-0082A License No. 3782

Dr. Loreman was present with attorney Frederick Cummings and was sworn in by the court reporter. The Investigator reviewed the case including the allegations in the complaint as well as affidavits obtained from witnesses of the alleged events. Dr. Loreman answered the Board's questions.

The Complainant, the patient's common law husband and the patient's sister were present, were sworn in by the court reporter, and answered the Board's questions.

Dr. Reiss moved to enter Executive Session to obtain legal advice. Dr. Cunningham seconded. The Board entered into Executive Session at 1:27 p.m. to obtain legal advice and returned to Open Session at 1:40 p.m.

After discussion and consideration, it was determined by a preponderance of the evidence there was no statutory violation.

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

ROLL CALL VOTE: The motion carried 7-0.

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

The Board recessed for lunch at 1:48 p.m. and returned to Open Session at 2:21 p.m.

G. Paul Blumberg, DO Case No. 3972 License No. 1597

This case was continued.

H. Paul Blumberg, DO Case No. DO-08-4150A License No. 1597

This case was continued.

8. CONSIDERATION AND POSSIBLE ACTION ON CONSENT AGREEMENT FOR VOLUNTARY SURRENDER OF LICENSE PURSUANT TO A.R.S. § 32-1855 (M) ONLY

None

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).

None

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. Joshua Rosenberg, DO Case No. DO-13-0228A Application No. 006162

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

MOTION: Dr. Cunningham moved to approve Dr. Rosenberg's application for licensure. Dr. Reiss seconded.
VOICE VOTE: The motion carried unanimously.

B. Lance Ashworth, DO Case NO. DO-14-0017A Application No. 006275

Dr. Ashworth was not present. The Board did not review the application.

The medical students were dismissed from the meeting at 5:15 p.m.

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

A. Report on ED Dismissed Complaints

A report was submitted to the Board members with the statutorily required information.

B. President & Board Member reports

None

C. Executive Director Report

1. Budget
2. Renewals
3. Modifications of post graduate licensing process

Not presented at this meeting.

D. Mr. Lyle R. Kelsey, Board of Directors, Federation of State Medical Boards (FSMB), Mr. David A. Johnson, Sr. Vice President, Assessment Services, FSMB, and Mr. Mark Statz gave a presentation on the FSMB's vision and mission through 2015. They presented information regarding FSMB's license portability initiatives including their uniform application and Federation Credentials Verification Service (FCVS), as well as an update regarding the Interstate Medical Licensure Compact resolution.

E. Elizabeth Korinek, CEO from the Center for Personalized Education for Physicians (CPEP) gave a presentation. She said CPEP was created to provide in-depth information and educational solutions needed to objectively address physician performance concerns. CPEP addresses such issues as medical ethics education & training, physician performance evaluations and concerns, clinical consulting, re-entry and reinstating of medical licenses. She said their programs can evaluate competency and resolve the concerns of a referring organization.

Dr. Ward excused himself from the remainder of the meeting at 3:52 p.m.

F. Board may review, discuss and take action on proposed Rules package.

The Executive Director reviewed the Rules package. The Board discussed the issue regarding Primary Source Verification.

MOTION: Dr. Cunningham moved to approve and move forward with the Rules package. Mr. Landau seconded.

VOICE VOTE: The motion carried 6-0, with Dr. Ward absent.

G. Board may review, discuss and take action on proposed IT changes.

James Gentile, Chief Information Officer, Arizona Medical Board, presented proposed IT changes that, if approved by the Medical Board, will occur in the next few months. He would like the Osteopathic Board to also adopt these changes. The Board agreed.

H. Board may review, discuss and take action on FSMB Interstate Compact.

The Board briefly discussed the current status of FSMB's Interstate Compact resolution and took no action.

I. Board may review, discuss and take action on who will attend this year's FSMB conference.

Dr. Steingard, Mr. Landau, Dr. Reiss and Ms. Jenna Jones, Executive Director, will be attending the FSMB conference in April.

- J. Board may review, discuss and take action on recommendations from the Pain Management Committee.

The Board discussed the committee's efforts to draft guidelines. The Board also discussed the FSMB's Policy regarding Use of Controlled Substances for the Treatment of Pain. The committee recommended that the Board adopt FSMB's policy with an additional line in the Treatment and Goals portion to the effect that pain management treatment plans should include consideration of Osteopathic Manipulative Treatment and physical therapy.

MOTION: Dr. Steingard moved to adopt the committee's recommendations. Dr. Cunningham seconded.

VOICE VOTE: The motion carried 6-0, with Dr. Ward absent.

- K. Board may review, discuss and take action on the FSMB Policy regarding Use of Controlled Substances for the Treatment of Pain.

The Board considered this matter in conjunction with item 11-J on the agenda.

- L. Board may review, discuss and take action on request to move to retired status for the following:

- | | |
|------------------------------|------------------|
| 1. David Leopold, DO | License No. 0646 |
| 2. Jerome Bernhard, DO | License No. 0476 |
| 3. J. Scott Campbell, DO | License No. 2749 |
| 4. Michael Altamura, Sr., DO | License No. 3097 |
| 5. Stuart Friedman, DO | License No. 1282 |
| 6. Treis Lum, DO | License No. 1261 |
| 7. Steven Lisook, DO | License No. 4567 |

The Executive Director reviewed the Retired Status notarized requests and stated there were no pending complaints against any of the above listed physicians. She confirmed that the Retired status waives all fees and limits the practice of medicine to 10 hours of volunteer work a month.

MOTION: Dr. Steingard moved to approve the above physicians' notarized requests to change their license status to Retired.

VOICE VOTE: The motion carried 6-0, with Dr. Ward absent.

- M. Board may review, discuss and take action on three reviewer process.

The Board considered its three reviewer process and the best manner in which to comply with the Open Meeting Law per the Assistant Attorney General's new recommendation. The Board acknowledged their current three reviewer process was approved by a previous Assistant Attorney General and discussed their options. The Board directed staff to research what other boards' best practices are for a similar process and continued the matter until the next scheduled meeting.

- N. Board may review, discuss and take action on listing licensee board certification on website profiles.

This item was continued.

O. Board may review, discuss and take action on 2014 legislative update.

This item was continued.

12. ADJOURNMENT

The Board adjourned at 6:08 p.m.

DRAFT