



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

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Jon B. Fiegen, J.D.
Mary Ann Picardo, D.O.
Michael P. Ward, D.O.
Jerry G. Landau, J.D.
Vas Sabeeh, D.O.

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Acting Executive Director
Barbara Meyers

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

Saturday, March 24, 2012

BOARD MEMBERS PRESENT:

President Scott Steingard, D.O.
Vice President Douglas Cunningham, D.O.
Jon B. Fiegen, J.D.
Mary Ann Picardo, D.O.
Jerry G. Landau, J.D.
Michael P. Ward, D.O.
Vas Sabeeh, D.O.

STAFF / OTHERS PRESENT:

Barbara Meyers, Acting Executive Director
Barbara Prah, D.O., Board Medical Consultant
Beverly Alfson, Licensing/Business Manager
John O'Hair-Schattenberg, Investigator
Kathy Fowkes, Admin Secretary
Marc Ollison, Admin Assistant
Jeanne Galvin, Assistant Attorney General
Deborah Mitchell, Certified Court Reporter, Ottmar & Associates

1. CALL TO ORDER

The Board President, Dr. Scott Steingard, called the meeting to order at 8:03 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Acting Executive Director took the roll. All Board Members were present, establishing quorum for the meeting. The Acting Executive Director reviewed the agenda.

3. CALL TO THE PUBLIC

Dr Steingard explained the Board's custom to ask members of the public to speak when the agenda item of interest to the person is called, and stated that if someone wanted to address the Board on an issue not on the agenda, that person would be asked to speak prior to the adjournment. All people wishing to speak should fill out a speaker form and give it to a staff member.

Dr. Steingard acknowledged Beverly Alfson, Licensing/Business Manager, and thanked her for her years of service to the Board.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

January 28, 2012 Open Session

MOTION: Dr. Picardo moved to accept the minutes. Dr. Cunningham seconded.

VOICE VOTE: Motion passed 6-0, with Dr. Ward abstaining.

January 28, 2012 Executive Session

MOTION: Dr. Picardo moved to accept the minutes. Dr. Cunningham seconded.

VOICE VOTE: Motion passed 6-0, with Dr. Ward abstaining.

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

Case Reviews

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

Dr. Blumberg was not present. The Medical Consultant reviewed the case. The Board discussed the case.

MOTION: Mr. Landau moved that this case be set for an Investigative Hearing, further that Dr. Blumberg be subpoenaed to appear at the scheduled Investigative Hearing, the case be referred for outside review by a board certified plastic surgeon, and staff be directed to offer a surrender of license. Dr. Picardo seconded.

VOICE VOTE: Motion passed 7-0.

B. Alan L. Barnett, DO Case No. DO-09-0062A License No. 2009

Dr. Barnett was not present. The Acting Executive Director reviewed the case, and the Board discussed the case.

MOTION: Dr. Cunningham moved for **DISMISSAL**. Dr. Ward seconded.

VOICE VOTE: Motion passed 7-0.

C. Michael Shing, DO Case No. DO-11-0093A License No. 005367

Dr. Shing was present with attorney John E. Draskowski. The Medical Consultant reviewed the case. Dr. Shing answered the Board's questions.

MOTION: Dr. Cunningham moved for an Investigative Hearing. Dr. Ward seconded.

VOICE VOTE: Motion passed 7-0.

Reviews of Executive Director Dismissals:

A. None

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

A. Dale Ratcliffe, DO Case No. DO-10-0189A License No. 4581

Dr. Ratcliffe was present with attorney Steve Myers and was sworn in by the court reporter. The Investigator reviewed the case. Dr. Ratcliffe answered the Board's questions.

MOTION: Dr. Cunningham moved for a **DISMISSAL**. Dr. Ward seconded.
ROLL CALL VOTE: Motion passed 7-0.

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

B. Keenan Wanamaker, DO Case No. DO-09-0052B License No. 3721

Dr. Wanamaker was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Wanamaker answered the Board's questions.

MOTION: Dr. Sabeeh moved for **DISMISSAL**. Dr. Cunningham seconded.
ROLL CALL VOTE: Motion passed 7-0.

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

C. Lucinda Michel, DO Case No. DO-11-0017A License No. 4314

Dr. Michel was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Michel answered the Board's questions.

MOTION: Dr. Ward moved for a **DECREE OF CENSURE** and 3 years **PROBATION with prescribing restrictions**, and **Continuing Medical Education**. Dr. Cunningham seconded.

Findings of Fact: Unprofessional Conduct for neglecting to utilize controlled substance contracts, failure to perform urine drug screens, failure to obtain prior medical records, failure to obtain a history of current or prior substance abuse, failure to obtain pharmacy data base surveys, and continuing to prescribe to a physician/patient that was being monitored for substance abuse by a board order.

Conclusions of Law: Violation of ARS: 32-1854 (6) and (38)

Order: Decree of Censure with 3 years Probation, Continuing Medical Education to be completed in 6 months in the form of the PACE prescribing and record keeping courses. Restricted from prescribing class II, III and IV controlled substances until such time as courses have been completed and physician appears before the Board to request reinstatement of prescribing privileges.

ROLL CALL VOTE: Motion passed 7-0.

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

D. Marc Grant, DO Case No. DO-10-0203A License No. 1609

Dr. Grant was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Grant answered the Board's questions.

MOTION: Dr. Cunningham moved for a **DISMISSAL**. Dr. Ward seconded.

ROLL CALL VOTE: Motion passed 4-3.

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

E. Michael Shing, DO Case No. DO-11-0061A License No. 005367

Dr. Shing was present with attorney John E. Drazkowski and was sworn in by the court reporter. The Medical Consultant reviewed the case.

MOTION: Dr. Picardo moved to require Dr. Shing to complete the PACE II evaluation, and require a neuropsychological evaluation. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion passed 7-0.

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

SECOND MOTION: Mr. Landau moved to consolidate DO-11-0061A, DO-11-0079A, and DO-11-0093A, and to continue these cases until the ordered evaluations are available. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion passed 7-0.

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

F. Michael Shing, DO Case No. DO-11-0079A License No. 005367

This case was consolidated with agenda items 5C and 6E.

G. Gary Knighton, DO Case No. DO-09-0215A License No. 3116

Dr. Knighton was present with attorney Robert J. Milligan and was sworn in by the court reporter.

Dr. Steingard disclosed a previous business relationship with his practice and Mr. Milligan. Dr. Sabeeh also disclosed a similar previous business relationship with his practice and Mr. Milligan. Both Dr. Steingard and Dr. Sabeeh stated that these prior relationships do not prejudice their judgment in this case.

The Investigator reviewed the case. Dr. Knighton answered the Board's questions.

MOTION: Dr. Ward moved for a **DISMISSAL**. Dr. Picardo seconded.

ROLL CALL VOTE: Motion passed 6-1.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Picardo	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	6	X		X	X	X	X	X
NO	1		X					
ABSTAIN/RECUSE	0							
ABSENT	0							

H. Richard Settles, DO Case No. DO-10-0061A License No. 2686

This case was continued to the next Board meeting at the request of the respondent.

The Board recessed for lunch at 12:40 p.m. and resumed Open Session at 1:21 p.m.

Cases will be called after 1:00 p.m.

AGENDA ITEMS IN THIS SHADED BLOCK ARE SCHEDULED TO BE CALLED AFTER THE SPECIFIED TIME. ALL OTHER AGENDA ITEMS MAY BE CALLED AT ANY TIME DURING THE MEETING.

I. Kevin O'Donnell, DO Case No. DO-10-0188A License No. 005034

Dr. O'Donnell was present and was sworn in by the court reporter. The Investigator reviewed the case. Dr. O'Donnell answered the Board's questions.

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

ROLL CALL VOTE: Motion passed 7-0.

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

J. Janet Greenwood Reid, DO Case No. DO-11-0130A License No. 4728

Dr. Greenwood Reid was not present.

MOTION: Pursuant to A.R.S. §32-1855(A)(B), Mr. Landau moved for an Interim Order for a neuropsychological exam and medical exam to be scheduled within 15 days of being served the Order and to be completed within the next 60 days of service; also to complete a urinary drug screen within 24 hours of service of the Order. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion passed 7-0.

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

7. 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. R4-22-109.

A Michelle M. D’Almeida, DO Case No. DO-11-0081A Applicant No. 005620

Dr. D’Almeida was present. The Acting Executive Director reviewed the case.

The Board recessed to Executive Session at 1:51 p.m. for the purpose of reviewing confidential records, and returned to Open Session at 2:08 p.m.

Dr. D’Almeida answered the Board’s questions.

The Board recessed to Executive Session at 2:39 p.m. for legal advice and resumed Open Session at 2:52 p.m.

MOTION: Mr. Landau moved for the Board to issue a license to Dr. D’Almeida with the stipulation that Dr. D’Almeida agree to enter into a consent agreement for a 6-month probation with the requirement that 30 hours Category 1-A CME be completed by April 30, 2012 and further that there be a practice restriction prohibiting major surgical procedures until otherwise modified by this Board. Dr. Ward seconded.

ROLL CALL VOTE: Motion passed 7-0.

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

B. Brad Cucchetti, DO Case No. DO-11-0101A Applicant No. 005722

Dr. Cucchetti was present with attorney Steve Myers. The Acting Executive Director reviewed the application. Dr. Cucchetti answered the Board's questions.

MOTION: Dr. Cunningham moved for the Board to issue Dr. Cucchetti an unrestricted license to practice osteopathic medicine. Dr. Sabeeh seconded.

ROLL CALL VOTE: Motion passed 7-0.

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

C. Craig Barrett Brown, DO Case No. DO-11-0156A Applicant No. 005801

Dr. Brown was present with attorney Steve Myers. The Acting Executive Director reviewed the application. Dr. Brown answered the Board's questions.

The Board recessed for a short break at 3:45 p.m. and returned to Open Session at 3:50 p.m.

MOTION: Dr. Sabeeh moved for the Board to issue Dr. Brown an unrestricted license to practice osteopathic medicine. Mr. Fiegen seconded.

ROLL CALL VOTE: Motion passed 7-0.

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

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

- A. Report on ED Dismissed Complaints
The Board made no comment on this report.
- B. Report on License Renewals 2012-2013
The Board made no comment on this report.
- C. President & Board Member reports
No reports were made by Board members.
- D. Asst Attorney General's report—Report on Lynne Pirie, DO/Case No. DO-08-4058A (LC2011-000125-001DT)
AAG Jeanne Galvin updated the Board on the status of the case.
- E. Update on Legislation
No reports were made.

9. ADJOURNMENT

The meeting adjourned at 4:30 p. m.