



Governor
Janice K. Brewer

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**
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Board Members
Scott Steingard, D.O., Pres
Douglas Cunningham, D.O., V.P.
Jon B. Fiegen, J.D.
Jerry G. Landau, J.D.
Vas Sabeeh, D.O.
Michael P. Ward, D.O.

Executive Director
Jenna Jones

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

Saturday, May 18, 2013

BOARD MEMBERS PRESENT:

Scott Steingard, D.O., President
Douglas Cunningham, D.O., Vice President
Jon B. Fiegen, J.D.
Jerry G. Landau, J.D.
Vas N. Sabeeh, D.O.

BOARD MEMBERS ABSENT:

Michael P. 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
Sarah Selzer, Assistant Attorney General
Hayley Westra, RPR, Ottmar & Associates

1. CALL TO ORDER

Board President Dr. Scott Steingard called the meeting to order at 8:04 a.m.

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. Steingard welcomed the Medical Students from Arizona College of Osteopathic Medicine at Midwestern University.
- 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

March 30, 2013 Open Session

MOTION: Dr. Cunningham moved to approve the minutes. Mr. Fiegen seconded.

VOICE VOTE: Motion carried 5-0.

March 30, 2013 Executive Session

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

VOICE VOTE: Motion carried 5-0.

April 15, 2013 Teleconference Open Session

MOTION: Dr. Cunningham moved to approve the minutes. Dr. Sabeeh 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).**

Case Reviews

A. Salvatore La Cognata, DO Case No. DO-12-0005A License No. 3700

Dr. La Cognata was not present. The Medical Consultant reviewed the case. The Complainant was present and addressed the Board. The Board discussed the case.

MOTION: Mr. Landau moved for an INVESTIGATIVE HEARING. Dr. Steingard seconded.

ROLL CALL VOTE: Motion failed 2-3.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	2	X				X	
NO	3		X	X			X
ABSTAIN/RECUSE	0						
ABSENT	1				X		

MOTION: Mr. Fiegen moved for DISMISSAL. Dr. Cunningham seconded.

After further discussion, Mr. Fiegen withdrew his motion.

The Board directed staff to obtain further information. The case was continued until the information is obtained.

Reviews of Executive Director Dismissals:

A. Ramon Alba, DO Case No. DO-12-0186A License No. 1209

Dr. Alba was not present.

MOTION: Dr. Cunningham moved to uphold the Executive Director's Dismissal. Mr. Landau seconded.

VOICE VOTE: Motion carried 5-0.

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

A. John Thompson, DO Case No. DO-11-0007A License No. 4022

Dr. Thompson was present with attorney Stephen W. Myers and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Thompson answered the Board’s questions.

MOTION: Mr. Landau moved for 6 hours **Non-Disciplinary CONTINUING MEDICAL EDUCATION** in the area of “Never Events.” Dr. Sabeeh seconded.

ROLL CALL VOTE: Motion carried 4-1.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	4		X	X		X	X
NO	1	X					
ABSTAIN/RECUSE	0						
ABSENT	1				X		

The Board noted for the record the certificate of completion provided by Dr. Thompson prior to this hearing was accepted by the Board as proof of completion of this non-disciplinary action.

B. Jason Begalke, DO Case No. DO-11-0162A License No. 005481

Dr. Begalke was present with attorney Stephen W. Myers and was sworn in by the court reporter. The Investigator reviewed the case. Dr. Begalke addressed the Board and answered the Board’s questions.

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

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

The Board recessed for a break at 9:58 a.m. and returned to Open Session at 10:15 a.m.

C. Jessica DiNizio, DO Case No. DO-11-0032A License No. 005296

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

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

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

D. Lucinda Michel, DO Case No. DO-12-0102A License No. 4314

Dr. Michel was present and was sworn in by the court reporter. The Deputy Director reviewed the case. Dr. Michel answered the Board’s questions.

MOTION: Dr. Cunningham moved to offer an **INTERIM CONSENT AGREEMENT** to include the following:

- Restricted from practicing osteopathic medicine until the Board is able to conduct an Investigative Hearing,
- Establish with a psychiatrist subject to the approval of the Executive Director within 30 days,
- Establish with a sponsor at Alcoholics Anonymous (A.A.) within 30 days, continue the 12-step program and attend A.A. meetings a minimum of two (2) times per week,
- Establish with a counselor for weekly meetings,
- Continue medical care with current primary care physician,
- Require initial reports after evaluation within 30 days and quarterly reports thereafter from the established psychiatrist and counselor, and
- This will be revisited at the regularly scheduled September 2013 Board meeting.

Mr. Landau seconded. Dr. Michel agreed, on the record, to the principle of the Amended Consent Agreement.

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

E. Judith Solomon, DO Case No. DO-11-0056A License No. 3438

This case was continued at the respondent’s request.

F. Judith Solomon, DO Case No. DO-11-0073A License No. 3438

This case was continued at the respondent’s request.

G. John Manning, DO Case No. DO-12-0028A License No. 0935

Dr. Manning was present and was sworn in by the court reporter. The Deputy Director reviewed the case. Dr. Manning answered the Board’s questions.

The Board directed staff to complete a 15-chart review. The Board tabled this case until the chart review is completed.

H. Jonathan Walker, DO Case No. DO-12-0040A License No. 005260

Dr. Walker was present with attorney T. Scott King and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Walker addressed the Board and answered the Board’s questions.

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

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

I. Richard Settles, DO Case No. DO-12-0171A License No. 2686

Dr. Settles was not present. The Executive Director reported Dr. Settles, and his attorney, have requested that the case be moved to a formal Administrative Hearing.

The Board directed staff to investigate Dr. Settles’ current employment.

MOTION: Mr. Landau moved for a referral of this case to the Office of Administrative Hearing for the purpose of **REVOCAION OF LICENSURE**. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

On behalf of the Board and staff, Dr. Steingard presented Dr. Mary Ann Picardo with a commemorative plaque and thanked her for her service to the Board from April 2006 to April 2013.

The Board recessed for lunch at 12:42 p.m. and returned to Open Session at 1:15 p.m.

Cases called after 1:00 p.m.

J. Darrell Bunch, DO Case No. DO-11-0074A License No. 1330

Dr. Bunch was not present. The Investigator reviewed the case.

MOTION: Mr. Landau moved to refer this case to the Office of Administrative Hearing. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

Case Numbers DO-10-0035A, DO-11-0020A, and DO-12-0189A were heard together and adjudicated individually.

K. David Reynolds, DO Case No. DO-10-0035A License No. 3529

Dr. Reynolds was present with his attorney, Gordon Lewis, and was sworn in by the court reporter.

The Board recessed to Executive Session at 1:28 pm for the purpose of reviewing confidential information and resumed Open Session at 1:40 p.m.

MOTION: Dr. Cunningham moved for 10 hours **Non-Disciplinary CONTINUING MEDICAL EDUCATION** in the area of physician-patient communication per approval of the Executive Director in addition to that normally required. Dr. Sabeeh seconded.

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

L. David Reynolds, DO Case No. DO-11-0020A License No. 3529

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

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

M. David Reynolds, DO Case No. DO-12-0189A License No. 3529

MOTION: Dr. Cunningham moved to adopt the same motion as DO-10-0035A to run concurrently. Dr. Sabeeh seconded.

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

N. Scott Hatfield, DO Case No. DO-11-0135A License No. 3764

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

The Board directed staff to review the systems at Dr. Hatfield’s practice. The Board tabled this case until staff’s report is received.

O. Jeffrey Proudfoot, DO Case No. DO-11-0108B License No. 2668

Dr. Proudfoot was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Proudfoot answered the Board’s questions. The Complainant was also present and was sworn in by the court reporter. The Complainant addressed the Board and answered the Board’s questions.

MOTION: Dr. Sabeeh moved for **DISMISSAL**. Mr. Fiegen seconded.

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

The Board recessed for a break at 3:11 p.m. and returned to Open Session at 3:22 p.m.

Case Numbers DO-11-0086A and DO-11-0161A were heard together and adjudicated individually.

P. Jose Gochoco, DO Case No. DO-11-0086A License No. 1715

Dr. Gochoco was present with attorney Fred Cummings and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Gochoco answered the Board’s questions.

MOTION: Dr. Steingard moved for 40 hours of **Non-Disciplinary CONTINUING MEDICAL EDUCATION** in the area of pain management and record keeping subject to the approval of the Executive Director. These may include courses already taken over the past 24 months. Mr. Landau seconded.

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

Q. Jose Gochoco, DO Case No. DO-11-0161A License No. 1715

Dr. Gochoco was present with attorney Fred Cummings and remained sworn in. The Medical Consultant reviewed the case. Dr. Gochoco answered the Board’s questions.

MOTION: Dr. Steingard moved to adopt the same motion as DO-11-0086A to run concurrently. 40 hours of Non-Disciplinary Continuing Medical Education in the area of pain management and record keeping subject to the approval of the Executive Director. Mr. Landau seconded.

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh

YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

R. David Orringer, DO Case No. DO-11-0027A License No. 4568

Dr. Orringer was present by telephone with attorney Michael Boreale and was sworn in by the court reporter. The Executive Director reviewed Mr. Boreale’s proposed consent agreement. Mr. Boreale answered the Board’s questions.

The Board continued the case and directed Staff to work with the Assistant Attorney General and Mr. Boreale to draft a new Consent Agreement.

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. R4-22-207.

A. Diego Allende, DO Case No. DO-13-0064A Application No. 006056

Dr. Allende was not present. The Executive Director reviewed the application.

Due to the pending action against Dr. Allende’s California license, the Board asked Staff to contact Dr. Allende and continue the case until further information can be received and if Dr. Allende chooses to withdraw his application.

B. Matthew Tyler, DO Case No. DO-13-0050A Application No. 006096

Dr. Tyler was present and was sworn in by the court reporter. The Executive Director reviewed the application. Dr. Tyler answered the Board’s questions.

MOTION: Dr. Cunningham moved to grant Dr. Tyler’s application for licensure. Mr. Landau seconded.
ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

C. Lynn Sweet, DO Case No. DO-13-0072A Application No. 006117

Dr. Sweet was present with attorney Jeffrey Grass and was sworn in. Dr. Sweet answered the Board’s questions. The Board discussed the application, Dr. Sweet’s prior disciplinary history with the Board and status of rehabilitation from prior unprofessional conduct.

The Board recessed to Executive Session for legal advice at 4:07 p.m. and returned to Open Session at 4:14 p.m.

Dr. Sweet withdrew his application for licensure.

D. Daniel Gay, DO Case No. DO-13-0067A Application No. 006099

MOTION: Dr. Cunningham moved to approve Dr. Gay’s application for licensure.

ROLL CALL VOTE: Motion carried 5-0.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	5	X	X	X		X	X
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1				X		

The Board answered the medical students’ questions and dismissed the students at 4:37 p.m.

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

A. Report on ED Dismissed Complaints

Ms. Jones, Executive Director, reported that from March 23, 2013 through May 13, 2013, twenty-three (23) cases had been closed by ED dismissal. A listing of the statutorily required information was included in the Board’s materials prior to the meeting.

B. President and Board Member Reports

No reports were made at this time.

C. Executive Director Report

1. Budget

Ms. Jones reported that a complete copy of the agency’s revenue and expenses was provided to the members in their packets. At this point the Board is within their appropriation and slightly under budget for this point in the year. Additional expenses will be incurred with the security upgrades to the office.

2. Complaint Status

Ms. Jones reported there are 204 pending complaints at this time.

3. Updates on building security and 2014 proposed schedule

Ms. Jones reported that the security measures for the lobby area required immediate approval and she has moved forward on that project. The cost increased significantly with the addition of the bullet resistant materials but it is what the Risk Management survey recommended. In order to

afford the increased cost, a portion of the project will be paid for in funds from this fiscal year's budget and the balance out of next year's budget. The project should be completed this summer.

D. Board may review, discuss and take action on approval of revised application.

MOTION: Dr. Steingard moved to approve the license application with amendments. Mr. Landau seconded.

VOICE VOTE: Motion passed 5-0.

9. ADJOURNMENT

The meeting adjourned at 5:14 p.m.