



Governor
Janice K. Brewer

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

9535 EAST DOUBLETREE RANCH ROAD
SCOTTSDALE, ARIZONA 85258-5572
PH (480) 657-7703 | FX (480) 657-7715
www.azdo.gov | questions@azdo.gov

Board Members
Scott Steingard, D.O., Pres
Douglas Cunningham, D.O., V.P.
Jon B. Fiegen, J.D.
Mary Ann Picardo, D.O.
Michael P. Ward, D.O.
Jerry G. Landau, J.D.
Vas Sabeeh, D.O.
Executive Director
Elaine LeTarte

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

Saturday, May 21, 2011

BOARD MEMBERS PRESENT:

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

STAFF / OTHERS PRESENT:

Elaine LeTarte, Executive Director
Barbara Meyers, Deputy Director
Barbara Prah, D.O., Medical Consultant
John O'Hair-Schattenberg, Investigator
Camila Alarcon, Assistant Attorney General / Licensing Enforcement
Beverly Alfson, Licensing/Business Manager
Kathy Fowkes, Administrative Secretary
Haley Westra (Ottmar & Associates), Certified Court Reporter

1. CALL TO ORDER

The Board President, Dr. Scott Steingard, called the meeting to order at 8:01 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, noting the items which had been added since the draft agenda was circulated to the Board with their materials.

3a. PRESIDENT'S REPORT AND CALL TO THE PUBLIC

A. Welcome to the new Board member.

Dr. Steingard introduced Vas N. Sabeeh, D.O. and welcomed him as the newest member of the Board.

B. Dr. Steingard welcomed the Medical Students from the Arizona College of Osteopathic Medicine at Midwestern University, the Kirksville College of Osteopathic Medicine, and School Osteopathic Medicine Arizona at A.T. Stills University

C. 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.

3b. PRESENTATIONS TO THE BOARD: for discussion and possible action

A. Open Meeting Law: Asst Attorney General Camila Alarcon

Ms. Alarcon presented an overview of Open Meeting Laws to the Board.

B. Maintenance of License: Executive Director Elaine LeTarte and President Scott Steingard, DO

Dr. Steingard and Ms. LeTarte presented information regarding the FSMB Maintenance of Licensure (MOL) to the Board. The Board discussed the FSMB's pilot project regarding MOL and the readiness of the Board to implement an MOL program in Arizona.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

March 19, 2011 Open Session

MOTION: Mr. Landau moved to accept the minutes. Dr. Picardo seconded.

VOICE VOTE: Motion passed 6-0-1. Dr. Sabeeh abstained because he had not been part of that meeting.

March 19, 2011 Executive Session

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

VOICE VOTE: Motion passed 6-0-1. Dr. Sabeeh abstained because he had not been part of that meeting.

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

Case Reviews

A. Judith Solomon, DO Case No. DO-10-0146A License No. 3438

Dr. Solomon and the complainant were not present.

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

VOICE VOTE: Motion carried 7-0.

B. Caren Borjeson, DO Case No. DO-09-0038A License No. 3117

Dr. Borjeson was not present. The Complainant was present. The Medical Consultant reviewed the case. The Complainant addressed the Board and answered the Board's questions. The Board discussed the case.

MOTION: Dr. Cunningham moved for **DISMISSAL**. Dr. Picardo 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. Kent Hatfield, DO Case No. DO-09-0024A License No. 2754

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

MOTION: Dr. Cunningham moved for **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. Kent Hatfield, DO Case No. DO-09-0177A License No. 2754

Dr. Hatfield was present with counsel, Peter Kline, and remained sworn in. The Medical Consultant reviewed the case. Dr. Hatfield answered the Board’s questions.

MOTION: Dr. Steingard moved for a **LETTER OF CONCERN** for poor documentation and inadequate medical work up for anemia. 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							

The Board recessed for a break at 9:50 a.m. and returned to Open Session at 10:06 a.m.

C. Thomas Bell, DO Case No. DO-10-0074A License No. 005210

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

MOTION: Dr. Cunningham moved for **DISMISSAL**. Dr. Picardo 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							

D. John Charochak, DO Case No. DO-09-0013A License No. 2333

At Dr. Charochak’s request, this case had been continued prior to the meeting.

E. Grant Padley, DO Case No. DO-10-0085A License No. 005104

Dr. Padley was present and was sworn in by the court reporter. The Investigator reviewed the case. Dr. Padley answered the Board’s questions.

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

F. Richard Reilly, DO Case No. DO-10-0056A License No. 3158

Dr. Reilly was present with counsel, Dan Cavett, and sworn in by the court reporter. The Deputy Director reviewed the case. Dr. Reilly answered the Board’s questions. The Board discussed the case.

MOTION: Mr. Landau moved for 10 hours **non-disciplinary Continuing Medical Education (CME)** in the area of boundary issues, due to the totality of the complaint filed and after discussion with the doctor. The CME shall be pre-approved by the Executive Director. 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							

The Board recessed for lunch at 12:12 p.m. and returned to Open Session at 12:51 p.m.

G. Tracy West, DO Case No. DO-09-0051A License No. 4236

At Dr. West's request, this case had been continued prior to the meeting.

H. Gaylon Crawford, DO (continued) Case No. DO-09-0119A License No. 2923

At Dr. Crawford's request, this case had been continued prior to the meeting.

I. James Reed, DO Case No. DO-10-0111A License No. 2845

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

The Board requested staff to do a pharmacy query on Dr. Reed's prescribing, and to complete a chart review of 15% of Dr. Reed's patients. The Board continued the case until the results of the query and review have been received.

J. Barry Berger, DO Case No. DO-10-0101A License No. 3994

Dr. Berger was present with counsel, Michael Ryan, and was sworn in by the court reporter. The Investigator reviewed the case. Dr. Berger answered the Board's questions. The Board directed staff to contact the Illinois Board to obtain clarification regarding Dr. Berger's "MD DO" designation on his Illinois license. The Board continued the case until the information is obtained.

K. Roberta Hindenlang, DO Case No. DO-10-0160A License No. 2548

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

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

VOICE 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							

L. Gary Kohring, DO Case No. DO-10-0183A License No. 1384

Dr. Kohring was present with counsel, Frederick M. Cummings, and was sworn in by the court reporter. The Investigator reviewed the case. Dr. Kohring answered the Board’s questions.

MOTION: Mr. Landau moved for a **LETTER OF CONCERN** for prescribing to a member of the physician’s immediate family, for prescribing medication without conducting a physical exam and prescribing without keeping medical records. 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							

The Board recessed for a break at 2:31 p.m. and returned to Open Session at 2:37 p.m.

7. 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. Mark L. Griswold, DO Case No. 3928 License No. 2799

Dr. Griswold was present, and requested the termination of the probation order. The Executive Director reviewed Dr. Griswold’s history of compliance. Dr. Griswold answered the Board’s questions.

MOTION: Dr. Ward moved to terminate the Order for Probation. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion passed 7-0.

B. Steven Locnikar, DO Case No. DO-10-0022A License No. 005284

Dr. Locnikar was present, and requested modifications to the terms of his practice restriction. The Executive Director reviewed Dr. Locnikar's history of compliance, and summarized the review of patient charts the Board requested at the previous meeting. Dr. Locnikar answered the Board's questions.

MOTION: Dr. Landau moved the stipulated order be amended, to retain only the restriction from practicing surgery, and the restriction from being on-call. Dr. Ward seconded.

VOICE VOTE: Motion passed 7-0.

C. Sholom Gootzeit, DO Case No. DO-10-0105A License No. 005463

Dr. Gootzeit was present, and requested termination of the Reentry to Practice Agreement. The Executive Director reviewed the most recent report from Dr. Gootzeit's practice monitor. Dr. Gootzeit answered the Board's questions.

The Board authorized the Executive Director to enter an Amended Agreement with Dr. Gootzeit, to extend the existing order and require Dr. Gootzeit to complete non-disciplinary CME in the area of billing and coding. The course is to be pre-approved by the Executive Director, and to be completed within six months.

D. Ronald Bitza, DO Case No. 4027 License No. 1370

Dr. Bitza was present and asked that the Board modify the term of his probation that specified the frequency of office reviews and reports. The Executive Director reviewed Dr. Bitza's compliance history. Dr. Bitza answered the Board's questions.

MOTION: Dr. Cunningham moved to amend the term of the probation, to change the practice monitor visits and reports to being due every six months, rather than quarterly. Mr. Landau seconded.

VOICE VOTE: Motion passed 7-0.

9. REVIEW, DISCUSSION AND ACTION ON OFFERS OF CONSENT AGREEMENTS FOR SURRENDER OF LICENSE PURSUANT TO A.R.S. § 32-1855 (M) ONLY OR REFERRAL TO FORMAL ADMINISTRATIVE HEARING PURSUANT TO A.R.S. § 32-1855 (F)

A. Harold Reeder, DO Case No. DO-08-4199A License No. 2001

The Executive Director presented the Consent Agreement for Surrender of License to the Board for review, discussion and possible action.

The Board went into Executive Session for legal advice at 11:15 a.m., and returned to Open Session at 11:19 am.

MOTION: Dr. Ward moved to accept and approve the **CONSENT AGREEMENT FOR SURRENDER OF LICENSE**. 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							

10. POLICY AND PROCEDURE REPORTS: For consideration and possible action

- A. Pain Management Guidelines Committee: status update

The Deputy Director reported to the Board that a teleconference will be scheduled for some time in June for initial discussion on modification of the current guidelines.

- B. Maintenance of Licensure Committee: consideration of establishment

The Board agreed that it was appropriate at this time that Dr. Steingard appoint a committee to study implementation of Maintenance of Licensure (MOL) requirements. Mr. Landau was appointed to be the Board member representative on this committee.

11. REPORTS: for information only

- A. Report on ED Dismissed Complaints
 The Board had no questions about this report.

- B. May Staff Report
 The Executive Director answered the Board's questions about the May report.

In addition, the Executive Director informed the Board that James Gentile, the Chief Information Officer for the Arizona Medical Board (AMB), had recently won recognition by the Computerworld Honors Program for his work on information technology security for the AMB. Mr. Gentile and the AMB's information technology staff also provide the Board's IT services, under an Interagency Service Agreement.

- C. Asst AG / Board member reports
 Dr. Steingard reported to the Board members that he, Mr. Landau and Ms. LeTarte had attended the 2011 Annual Meeting of the Federation of State Medical Boards (FSMB). Mr. Landau was appointed to the FSMB's Bylaws Committee.

- D. Update on Legislation
 The Board had no questions about this report.

12. ADJOURNMENT

The Board adjourned at 3:22 p.m.