



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.
Mary Ann Picardo, D.O.
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, November 17, 2012

BOARD MEMBERS PRESENT:

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

BOARD MEMBERS ABSENT:

Douglas Cunningham, D.O., Vice President

STAFF / OTHERS PRESENT:

Jenna Jones, Executive Director
Barbara Meyers, Deputy Director
Therese Hall, Business Manager
Kathy Fowkes, Licensing Division
Sarah Selzer, Assistant Attorney General
Robin Jasper, Certified Court Reporter, Ottmar & Associates

1. CALL TO ORDER

The Board President, Dr. Scott Steingard, called the meeting to order at 8:06 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. Six (6) Board Members were present, establishing quorum for the meeting. On behalf of the Board, Dr. Steingard thanked the staff for a job well done this year. 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, Kirksville College of Osteopathic Medicine, and School Osteopathic Medicine Arizona at A.T. Still 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. If you want to address the Board on an issue not on the agenda, you will 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.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

September 15, 2012 Open Session

MOTION: Mr. Fiegen moved to approve the minutes. Dr. Picardo seconded. Dr. Ward abstained.
VOICE VOTE: Motion passed 5-0-1.

September 15, 2012 Executive Session

MOTION: Dr. Picardo moved to approve the minutes. Mr. Fiegen seconded. Dr. Ward abstained.
VOICE VOTE: Motion passed 5-0-1.

October 2, 2012 Open Session

MOTION: Dr. Picardo moved to approve the minutes. Dr. Ward seconded. Mr. Fiegen abstained.
VOICE VOTE: Motion passed 5-0-1.

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

Case Reviews

A. Richard Wright, DO Case No. DO-09-0118A License No. 1800

Dr. Wright was not present. Staff requested this case be administratively closed; Dr. Wright has retired from practice and did not renew his license.

MOTION: Mr. Fiegen moved to administratively close the case. Dr. Picardo seconded.
VOICE VOTE: Motion passed 6-0.

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

A. Stephen Hammett, DO Case No. DO-10-0057A License No. 4359

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

MOTION: Dr. Picardo moved for 30 hours **non-disciplinary CONTINUING MEDICAL EDUCATION** in the area of appropriate treatment of chronic pain, recognition of drug seeking, addictive behavior and medical record keeping to be approved by the Executive Director and completed within 6 months. Mr. Landau seconded.

ROLL CALL VOTE: Motion passed 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Picardo	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	6	X		X	X	X	X	X

NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1		X					

B. Joy Schechtman, DO Case No. DO-11-0085A License No. 2376

Mr. Landau recused himself from this case.

Dr. Schechtman was present with attorney Robert B. Blecher and was sworn in by the court reporter. Dr. Steingard acknowledged that he spoke with Dr. Schechtman regarding the length of time taken to bring the case before the Board, but that no discussion took place regarding the case itself. The Medical Consultant reviewed the case. Dr. Schechtman answered the Board’s questions.

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

ROLL CALL VOTE: Motion passed 5-0-1.

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

C. Angela DeRosa, DO Case No. DO-10-0162A License No. 4223

Dr. DeRosa was present with attorney DeeDee A. Holden and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. DeRosa answered the Board’s questions.

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

ROLL CALL VOTE: Motion passed 6-0.

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

The Board recessed for a short break at 9:45 a.m. and returned to open session at 9:58 a.m.

D. John Farnham, DO Case No. DO-10-0054A License No. 1558

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

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

ROLL CALL VOTE: Motion passed 6-0.

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

E. Mark Flood, DO Case No. DO-10-0096A License No. 4277

This case was continued at the doctor's request.

F. John Deuel, DO Case No. DO-10-0100A License No. 4459

Dr. Deuel was not present. The case was continued.

G. Anthony Dominic, DO Case No. DO-10-0071A License No. 1833

This case was reviewed after agenda item 6H.

Dr. Dominic remained sworn in. The Medical Consultant reviewed the case. Dr. Dominic answered the Board's questions.

MOTION: Mr. Landau moved for **DISMISSAL** and to require 20 hours of **non-disciplinary CONTINUING MEDICAL EDUCATION** in the area of recognition and management of treatment and complications of anxiety, treating the chronic pain patient and pharmacology of addictive medications to be pre-approved by the Executive Director and to be completed within 6 months to run concurrently with the CME order in DO-11-0148A. Dr. Picardo seconded.

ROLL CALL VOTE: Motion passed 6-0.

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

H. Anthony Dominic, DO Case No. DO-11-0033A License No. 1833

This case was reviewed prior to agenda item 6G.

Dr. Dominic remained sworn in. The Deputy Director reviewed the case. Dr. Dominic answered the Board's questions.

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

ROLL CALL VOTE: Motion passed 5-1.

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

- I. Anthony Dominic, DO Case No. DO-11-0148A License No. 1833

The Board entered Executive Session for legal advice at 10:14 a.m. and returned to Open Session at 10:23 a.m. This case was reviewed prior to agenda items 6G and 6H.

Dr. Dominic was present with attorney Kimberly Kent and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Dominic answered the Board's questions. The Board granted Ms. Kent's request to discuss the chart review the Board's Medical Consultant completed for case DO-10-0071A. Ms. Kent referred the Board to the affidavit submitted by Richard S. Dobruson, D.O. regarding an independent chart review commissioned by Dr. Dominic.

The Board entered Executive Session for legal advice at 11:23 a.m. and returned to Open Session at 11:37 a.m.

Richard S. Dobruson, D.O. was present and sworn in by the court reporter. Dr. Dobruson answered the Board's questions about his affidavit and his independent chart review.

MOTION: Mr. Landau moved for a **non-disciplinary LETTER OF CONCERN** pursuant to A.R.S. §32-1855(D) for inappropriate prescribing practices and to require 20 hours of **non-disciplinary CONTINUING MEDICAL EDUCATION** (to run concurrently with the CME in case DO-10-0071A) in the area of recognition and management of treatment and complications of anxiety, treating the chronic pain patient and pharmacology of addictive medications to be pre-approved by the Executive Director and to be completed within 6 months. Dr. Ward seconded.

ROLL CALL VOTE: Motion passed 6-0.

	Vote	Dr. Steingard	Dr. Cunningham	Dr. Picardo	Mr. Fiegen	Dr. Ward	Mr. Landau	Dr. Sabeeh
YES	6	X		X	X	X	X	X
NO	0							

ABSTAIN/RECUSE	0							
ABSENT	1		X					

The Board recessed for lunch at 12:59 p.m. and returned to open session at 1:44 p.m.

Agenda items 6J, 6K, and 6L were heard concurrently.

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

Dr. Shing was present with attorney John Drazkowski and was sworn in by the court reporter. The Medical Consultant reviewed the cases. Dr. Shing read a prepared statement and answered the Board's questions. Mr. Drazkowski addressed the Board.

MOTION: Dr. Ward moved for a finding of **UNPROFESSIONAL CONDUCT** for violations of A.R.S. §32-1854 (6), (35), (36), (38), and (48):

- A.R.S. §32-1854 (6) by prescribing controlled substance medications to a patient that had recently overdosed on pain medications;
- A.R.S. §32-1854 (35) by providing multiple dated prescriptions for controlled substances to a patient on the same date;
- A.R.S. §32-1854 (36) by failing to maintain adequate patient records while prescribing controlled substances;
- A.R.S. §32-1854 (38) by endangering patients' health by inappropriate prescribing of controlled substance medications, failing to recognize drug seeking behavior; and
- A.R.S. §32-1854 (48) by prescribing of a prescription-only medication after failing to conduct an adequate physical exam.

Dr. Picardo seconded.

ROLL CALL VOTE: Motion passed 6-0.

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

MOTION: Dr. Ward moved for a **DECREE OF CENSURE** and 5-year **PROBATION** with the following terms:

- Respondent shall be restricted from opioid management of chronic pain patients;
- Respondent shall be restricted from prescribing opioid medications to a patient for more than 30 days during any 6 month period;
- Include periodic chart reviews by providing a patient list to the Board every 6 months in which random charts will be selected for review. In addition, provide to the Board supervisory physician evaluations every 6 months which include a review of:
 - Proper completion of History & Physicals,
 - Appropriate plan and follow up, and
 - Medical record keeping.

Dr. Picardo seconded.

ROLL CALL VOTE: passed 6-0.

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

MOTION: Dr. Steingard moved to amend the motion and to add the words “including tramadol” to 1 and 2 bullet points in the previous motion. Dr. Ward seconded.

VOICE VOTE: Motion passed 6-0.

- ...Respondent shall be restricted from opioid management of chronic pain patients *including tramadol*;
- Respondent shall be restricted from prescribing opioid medications, *including tramadol*, to a patient for more than 30 days during any 6 month period;
- Include periodic chart reviews by the Board by providing a patient list to the Board every 6 months in which random charts will be selected for review. In addition, provide to the Board supervisory physician evaluations every 6 months which include a review of:
 - Proper completion of History & Physicals,
 - Appropriate plan and follow up, and
 - Medical record keeping.

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

This case was heard concurrently with Agenda item 6J and 6L.

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

VOICE VOTE: Motion passed 4-2.

The Board discussed the previous action.

MOTION: Dr. Ward moved to reconsider Case DO-11-0079A. Dr. Picardo seconded.

VOICE VOTE: Motion passed 6-0.

MOTION: Dr. Ward moved for a **DISMISSAL** and to require 17 hours **non-disciplinary CONTINUING MEDICAL EDUCATION** in the area of medical record keeping. The Board may accept CME to fulfill this requirement which has been completed by Respondent since the opening of this case. Dr. Picardo seconded.

ROLL CALL VOTE: passed 6-0.

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

YES	6	X		X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1		X					

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

This case was heard concurrently with Agenda item 6J.

MOTION: Dr. Ward moved for a **DISMISSAL** and to require 30 hours **non-disciplinary CONTINUING MEDICAL EDUCATION** in the area of pain management. The Board may accept CME which has been completed since the opening of this case. Dr. Sabeeh seconded.

ROLL CALL VOTE: passed 6-0.

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

M. Mark L. Griswold, DO Case No. DO-11-0142A License No. 2799

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

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

ROLL CALL VOTE: Motion passed 6-0.

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

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

This case was continued at the doctor's request.

O. Joseph Collins, DO Case No. DO-12-0025A License No. 3858

Ms. Jones provided a brief outline of the current status of this matter and correspondence sent by Dr. Collins. Ms. Selzer discussed the Board’s options since he refused to sign the consent agreement and stated by letter he was not going to complete the PACE evaluations.

MOTION: Mr. Landau moved to continue this matter and set a phone conference for early next week wherein the Board could discuss further and take action which could include summary suspension as his conduct could be an immediate threat to the public’s health, welfare and safety requiring an emergency action to protect the public. Dr. Picardo seconded.

ROLL CALL VOTE: Motion passed 6-0.

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

7. **CONSIDERATION AND ACTION ON COMPLIANCE WITH TERMS OF BOARD ORDER IN CASE NO. DO-10-0061A CONCERNING RICHARD SETTLES, DO AND POSSIBLE VIOLATION OF THE SAME AND CONSIDERATION OF POSSIBLE BOARD ACTION INCLUDING BUT NOT LIMITED TO, THE SUMMARY SUSPENSION OF LICENSE NO. 2686.**

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

Ms. Jones provided a brief summary of the case and advised the Board that Dr. Settles was willing to sign a Consent Agreement wherein he would be restricted from practicing medicine under his Arizona license while the matter was being investigated and until the case was resolved by the Board.

MOTION: Mr. Landau moved to accept the Consent Agreement for the practice restriction. Dr. Picardo seconded.

ROLL CALL VOTE: Motion passed 6-0.

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

8. **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 Griswold, DO Case No. 3928 License No. 2799

Dr. Griswold was present.

Board entered Executive Session at 3:24 p.m. for consideration of confidential records and returned to Open Session 3:32 p.m.

MOTION: Mr. Landau moved to terminate the board order. Dr. Picardo seconded.

ROLL CALL VOTE: Motion passed 6-0.

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

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

Dr. Locnikar was present with attorney Thomas Connelly. The Deputy Director reviewed Dr. Locnikar's request to amend the current Board order to allow him to be on-call. Dr. Locnikar answered the Board's questions.

MOTION: Mr. Landau moved to amend the current Board Order to terminate the on-call restriction. Dr. Picardo seconded.

VOICE VOTE: Motion passed 6-0.

9. 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 Keoni Nmn Nguyen, DO Case No. DO-12-0144A Applicant No. 006001

Dr. Nguyen was present with attorney Robert Chelle. The Executive Director reviewed the case. Dr. Nguyen was sworn in by the court reporter and answered the Board's questions.

Dr. Nguyen withdrew his application for licensure.

B Jerome Frazier, DO Case No. DO-12-0145A Applicant No. 006019

Dr. Frazier was present. The Executive Director reviewed the case. Dr. Frazier answered the Board's questions.

MOTION: Dr. Picardo moved to approve the application. Mr. Fiegen seconded.

ROLL CALL VOTE: Motion passed 6-0.

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

C. Michael Colonna, DO Case No. DO-12-0157A Applicant No. 006022

Dr. Colonna was present. Dr. Ward stated he worked at the facility but did not have a conflict of interest. The Executive Director reviewed the case. Dr. Colonna answered the Board’s questions. Dr. Harper, a representative from MWU/Kingman Regional Medical Center’s residency program was present and answered the Board’s questions.

MOTION: Dr. Sabeeh moved to approve the application. Dr. Picardo seconded.

ROLL CALL VOTE: Motion passed 6-0.

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

D. Gary Randall, DO Case No. DO-12-0181A Applicant No. 006034

Dr. Randall was present. The Executive Director reviewed the case. Dr. Randall answered the Board’s questions.

MOTION: Dr. Ward moved to approve the application. Dr. Picardo seconded.

ROLL CALL VOTE: Motion passed 6-0.

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

E. Greg Singer, DO Case No. DO-12-0175A Applicant No. 006027

Dr. Singer was present. The Executive Director reviewed the case. Dr. Singer answered the Board's questions.

Dr. Singer withdrew his application for licensure.

10. REVIEW, DISCUSSION AND ACTION ON MOTIONS FOR REHEARING AND REVIEW (A.A.C. R4-22-106)

A. Joseph Collins, D.O. Case No. DO-12-0025A License No. 3858

The Board was advised that the Order issued by the Executive Director for the PACE evaluations in this case were not an appealable issue. No action was taken.

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

A. Report on ED Dismissed Complaints

Ms. Jones reported that there were twenty-nine cases dismissed. She thanked the Board members for their diligence in working on the three-reviewer cases and advised that they could expect a number of incoming cases as we are trying to work through the pending cases and reduce the average number of days outstanding on each case.

B. President & Board Member Reports

C. Board may review, discuss and take action on adopting meeting schedule for 2013.

The only change to the proposed calendar was to change June 15 to June 22. Dr. Landau made a motion to accept the proposed meeting dates as presented with the change to June 22. Dr. Ward seconded the motion.

VOICE VOTE: Motion passed 6-0.

D. Executive Director Report

E. Board may review, discuss and take action on referral of the alleged unlicensed practice by Lynne Pirie for criminal prosecution or other possible action.

Ms. Jones reported that she had contacted DPS but that Phoenix Police Department would likely be involved. The Board agreed with reporting this to the authorities for handling.

12. ADJOURNMENT

The meeting adjourned at 6:50 p.m.