



Governor
Janice K. Brewer

**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.
Mary Ann Picardo, D.O.
Vas Sabeeh, D.O.
Michael P. Ward, D.O.

Executive Director
Jenna Jones

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

Saturday, September 15, 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.
Vas Sabeeh, D.O.

BOARD MEMBERS ABSENT:

Michael P. Ward, D.O.

STAFF / OTHERS PRESENT:

Jenna Jones, Executive Director
Barbara Meyers, Deputy Director
John O'Hair-Schattenberg, Investigator
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 8:03 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

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

3. CALL TO THE PUBLIC

- A. Dr. Steingard welcomed the Medical Students and faculty 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. During call to the public, Stephen W. Myers, Esq. spoke to the Board regarding the Letter of Concern previously issued to Eunlee Chung, D.O.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

July 21, 2012 Open Session Minutes

MOTION: Dr. Picardo moved to approve the minutes. Dr. Cunningham seconded.
VOICE VOTE: Motion passed 6-0.

July 21, 2012 Executive Session Minutes

MOTION: Mr. Landau moved to approve the minutes. Dr. Cunningham seconded.
VOICE VOTE: Motion passed 6-0.

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

Case Reviews

A. Brian Artzberger, DO Case No. DO-11-0150A License No. 4684

Dr. Artzberger was present. The Medical Consultant reviewed the case. Dr. Artzberger answered the Board's questions.

MOTION: Dr. Steingard moved for **DISMISSAL**. Dr. Cunningham seconded.
VOICE VOTE: Motion passed 6-0.

Reviews of Executive Director Dismissals:

A. Bernadette Quihuis, DO Case No. DO-12-0043A License No. 005191

MOTION: Dr. Cunningham moved to affirm the Executive Director Dismissal. Dr. Picardo seconded.
VOICE VOTE: Motion passed 6-0.

B. Thomas Masters, DO Case No. DO-11-0147A License No. 2951

Dr. Masters and attorney Stephen R. Cooper, Esq. were present. The complainant was also present. The Investigator reviewed the case. Dr. Masters answered the Board's questions. The complainant addressed the Board and answered the Board's questions.

MOTION: Dr. Picardo moved to affirm the Executive Director Dismissal. Dr. Cunningham seconded.
VOICE VOTE: Motion passed 6-0.

C. Andrew Burrell, DO Case No. DO-11-0065A License No. 2584

The Complainant was present. The Medical Consultant reviewed the case. The complainant addressed the Board and answered the Board's questions.

MOTION: Dr. Picardo moved to affirm the Executive Director Dismissal. Dr. Cunningham 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. Thomas Masters, DO Case No. DO-11-0023A License No. 2951

Dr. Masters was present with attorney Stephen R. Cooper, Esq. and was sworn in by the court reporter. The Investigator reviewed the case. Dr. Masters answered the Board’s questions.

MOTION: Mr. Landau moved for **DISMISSAL**. Dr. Cunningham 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. Dennis Parker, DO Case No. DO-12-0053A License No. 0819

Dr. Parker was present with attorney Stephen W. Myers, Esq. and was sworn in by the court reporter. The Medical Consultant reviewed the case. Mr. Myers addressed the Board. Dr. Parker answered the Board’s questions. The Complainant was present and was sworn in by the court reporter. The Complainant made statements and answered the Board’s questions.

MOTION: Dr. Cunningham 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		

The Board recessed for a short break at 10:03 a.m. and returned to Open Session at 10:10 a.m.

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

Dr. Begalke was present with attorney Douglas O. Guffey, Esq. and was sworn in by the court reporter. The Investigator reviewed the case. Dr. Begalke answered the Board’s questions.

The Board tabled this case and directed staff to obtain a police report. The Board also ordered Dr. Begalke to undergo a psychiatric evaluation with a psychiatrist approved by the Executive Director.

D. James Beach, DO Case No. DO-10-0089A License No. 1438

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

MOTION: Dr. Cunningham 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. Shawn Platt, DO Case No. DO-11-0165A License No. 3313

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

The Board tabled this case until staff can complete a chart review of Dr. Platt's pain management patients.

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

Dr. Michel was present with attorney Mark D. Bogard, Esq. and was sworn in by the court reporter. The Deputy Director reviewed this case.

The Board entered Executive Session at 11:55 a.m. for legal advice and returned to Open Session at 12:25 p.m.

MOTION: Mr. Landau moved to offer to table the matter and to offer a Consent Agreement that would restrict her practice of medicine until the May 2013 meeting and for Dr. Michel to comply with all terms of the Probation issued in August 2011 during the practice restriction. Dr. Cunningham seconded.

VOICE VOTE: Motion passed 6-0.

Dr. Michel and her attorney were given time to discuss the matter and see if they agreed. Dr. Michel returned and addressed the Board that she was willing to accept the Consent Agreement as described.

G. E. Griffin Cipolla, DO Case No. DO-10-0029A License No. 2811

Dr. Cunningham recused himself from this case.

Dr. Cipolla was present with attorney Frederick M. Cummings, Esq. and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Cipolla answered the Board's questions.

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

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

Dr. Collins was present with Darren Hobbs, owner/office manager, and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Collins answered the Board’s questions. The Complainant was present and was sworn in by the court reporter. The Complainant answered the Board’s questions.

The Board entered Executive Session at 1:21 p.m. and returned to Open Session at 1:27 p.m.

MOTION: Mr. Landau moved for a **finding of UNPROFESSIONAL CONDUCT** for violations of A.R.S. §32-1854 (5), (6), (38) and (44) for filling prescriptions in spite of the fact that it was known that the patient was abusing opioids and benzodiazepines; a chart review showed multiple episodes of an over-prescribing pattern including incomplete history and physical examinations, not obtaining proper imaging and outside referrals, prescribing to a patient with a known history of drug abuse, and continuing to prescribe even after the patient demonstrated abuse of narcotics. Dr. Cunningham 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. Sabeeh moved for an **Interim Order** to include the following:

- PACE evaluation for competency in practicing medicine, to be scheduled within 30 days and completed within 6 months,
- Restriction from prescribing all controlled substances and recommending marijuana,
- And a neuropsychological evaluation to be completed at PACE;
- All of the above at the respondent’s expense.

Dr. Cunningham 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 1:55 p.m. and returned to Open Session at 2:25 p.m.

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

This case was continued at the Respondent’s request.

Agenda Items 6J and 6K were heard together.

- J. Joe Gregory, DO Case No. DO-11-0134A License No. 2702
- K. Jack Butler, DO Case No. DO-11-0134B License No. 1786

Dr. Gregory was present and was sworn in by the court reporter. Dr. Butler was present with attorney T. Scott King, Esq. and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Butler and Dr. Gregory each answered the Board’s questions. Mr. King made statements to the Board. The complainant was present and was sworn in by the court reporter. The complainant addressed the Board and answered the Board’s questions. Two other individuals with the complainant signed in but chose not to address the Board.

MOTION: Dr. Steingard moved for **DISMISSAL** for Case No. DO-11-0134A. 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. Cunningham moved for **DISMISSAL** for Case No. DO-11-0134B. Dr. Sabeeh 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		

L. Colleen Hunsaker, DO Case No. DO-12-0011A License No. 2843

Dr. Hunsaker was present with attorney Stephen Forrest, Esq. and was sworn in. The Medical Consultant reviewed the case.

The Board entered Executive Session at 3:22 p.m. for legal advice and possible review of personal medical records and returned to Open Session at 3:35 p.m.

Dr. Hunsaker made statements and answered the Board’s questions.

The Board entered Executive Session at 4:20 p.m. for legal advice and possible review of personal medical records and returned to Open Session at 4:31 p.m.

MOTION: Dr. Picardo moved to offer a Consent Agreement for an Interim Order to include the following:

- Dr. Hunsaker would be restricted from prescribing amphetamines and opioids,
- Attend CODA/AI-Anon meetings three (3) times per week, and
- She would attend 16 hours CME in the area of boundary issues within 60 days.

Mr. Landau 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		

Dr. Hunsaker and her attorney, addressed the Board and advised they would be willing to agree to the terms of the Consent Agreement.

M. Philip Bain, DO (for clarification of Order) Case No. DO-11-0106A License No. 2302

Board reviewed the drafted Findings of Fact, Conclusions of Law, and Order discussed during the July 21, 2012 Board meeting.

MOTION: Dr. Steingard moved to accept the Order as written. Dr. Picardo seconded.
VOICE VOTE: Motion passed 6-0.

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. Janet Pragit, DO Case No. DO-11-0016A License No. 4719

Dr. Pragit was present.

The Board entered Executive Session at 5:16 p.m. for legal advice and review of personal medical records and returned to Open Session at 5:20 p.m.

The Board discussed Dr. Pragit’s request. The Board took no action.

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

Dr. Greenwood Reid was not present. Dr. Steingard noted for the record that Dr. Greenwood Reid was duly and properly noticed for this meeting. The Board acknowledged serious concerns about her mental and physical health, her competency and her unwillingness to come before the Board to discuss the complaint against her.

MOTION: Mr. Landau moved to refer Case DO-11-0130A to the Office of Administrative Hearings (OAH) for the purpose of **REVOCATION**. Staff was directed to prepare the Notice of Hearing and present it at a future Board meeting for Board review and approval. 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. 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 Kelly Angelina Kobylanski, DO Case No. DO-12-0103A Application No. 005977

Dr. Kobylanski was present and answered the Board’s questions.

MOTION: Dr. Cunningham moved to approve Dr. Kobylanski’s license application. Dr. Picardo seconded.
VOICE VOTE: Motion passed 6-0.

B Gregg Alan Smith Case No. DO-12-0119A License No. 2813

Dr. Smith was present and answered the Board's questions.

MOTION: Dr. Steingard moved to approve Dr. Smith's license application contingent on Dr. Smith completing the appropriate CME to be compliant with 2011/2012. The license would be effective immediately upon payment of the appropriate fees. Dr. Landau seconded.

VOICE VOTE: Motion passed 6-0.

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

- A. Report on ED Dismissed Complaints
- B. President & Board Member reports
- C. Board may review, discuss and take action on rules package regarding fees

Ms. Jones, Executive Director, reported that the rules package placing the Board's fee into rule was approved by the Governor's Regulatory Review Council and will go into effect in approximately 60 days.

- D. Board may review, discuss and take action on adding a confidential section of questions on applications

Ms. Jones reported that it would be appropriate to place certain questions from the Professional Conduct Section into a confidential answer area. The proposal includes moving the current questions 1 and 4 to a confidential area due to HIPAA requirements and implications due to the nature of the questions.

MOTION: Dr. Picardo moved to approve to the move to make these confidential questions. Dr. Sabeeh seconded.

VOICE VOTE: Motion passed 6-0.

- E. Board may review, discuss and take action on new rule regarding PAs for prescribing and reporting of supervising doctor

No action was taken at this time. The new rules will go into effect on October 6, 2012.

- F. Board may review, discuss and take action on proposed meeting calendar for 2013.

The matter was tabled until the next meeting.

10. ADJOURNMENT

The meeting adjourned at 6:20 p.m.