



Governor
Janice K. Brewer

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

9535 EAST DOUBLETREE RANCH ROAD
SCOTTSDALE, ARIZONA 85258
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.
Jerry G. Landau, J.D.
Martin Reiss, 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, September 21, 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.
Martin Reiss, D.O.
Vas Sabeeh, D.O.
Michael 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, Licensing Division
Jeanne Galvin, Assistant Attorney General
Mary L. Davis, RPR, Ottmar & Associates

1. CALL TO ORDER

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 and noted any changes.

3. CALL TO THE PUBLIC

- A. Dr. Steingard welcomed the Medical Students from Arizona College of Osteopathic Medicine at Midwestern University A.T. Still University Kirksville College of Osteopathic Medicine and A.T. Still University School of Osteopathic Medicine in Arizona.
- 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

July 20, 2013 Open Session

MOTION: Mr. Fiegen moved to approve the minutes. Dr. Reiss seconded. Dr. Ward and Dr. Cunningham abstained.

VOICE VOTE: The motion carried 5-0-2.

July 20, 2013 Executive Session

MOTION: Mr. Fiegen moved to approve the minutes. Dr. Reiss seconded. Dr. Ward and Dr. Cunningham abstained.

VOICE VOTE: The motion carried 5-0-2.

5. REVIEW, CONSIDERATION AND ACTION ON REQUEST FOR REHEARING OR REVIEW OF DECISION

A. Shawn Platt, DO Case No. DO-11-0165A License No. 3313

This case was continued.

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

Case Reviews

A. Suzanne Bentz, DO Case No. DO-12-0152A License No. 2866

This case was continued.

B. Rebecca Weiss, DO Case No. DO-12-0022A License No. 4424

Dr. Weiss was not present. The Medical Consultant reviewed the case. The Board discussed the diagnosis and treatment of the patient in the urgent care.

MOTION: Dr. Ward moved this case for an Investigative Hearing. Dr. Sabeeh seconded.

ROLL CALL VOTE: Motion carried 5-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	5			X	X	X	X	X
NO	2	X	X					
ABSTAIN/RECUSE	0							
ABSENT	0							

C. William Higgins, DO Case No. DO-12-0069A License No. 1260

Dr. Cunningham recused himself. Dr. Higgins was not present. The Medical Consultant reviewed the case.

MOTION: Mr. Landau moved for an **Investigative Hearing**. Mr. Fiegen seconded.

ROLL CALL VOTE: Motion failed 3-3-1-0.

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

After further discussion and consideration, the Board requested staff to obtain further information to clarify who was responsible for supervising the PA involved in this matter.

- D. Donovan Schmidt, DO Case No. DO-12-0190A License No. 2768

Dr. Schmidt was not present. The Investigator reviewed the case. After discussion, the Board requested staff to obtain further information to determine if the medical records had been received. The Board also directed staff to refer this complaint to the licensing boards of the other professionals who may have been involved or responsible for maintaining the records. The case was continued.

- E. Jonathan Wiggernhorn, DO Case No. DO-13-0057A License No. 4738

Dr. Wiggernhorn was not present. The Medical Consultant reviewed the case. The complainant was present and addressed the Board. After discussion and consideration, it was determined there was no statutory violation.

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

ROLL CALL VOTE: Motion passed 7-0.

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

- F. Philo Rogers, DO Case No. DO-11-0136A License No. 2809

Dr. Rogers was present with his attorney, Heather Hendrix. The Medical Consultant reviewed the case.

Dr. Cunningham moved to enter Executive Session to obtain legal advice. Mr. Landau seconded.

The Board entered Executive Session to obtain legal advice at 9:07 a.m. and returned to Open Session at 9:13 a.m.

Dr. Rogers answered the Board's questions. The Board noted that this complaint was filed shortly before the Board placed Dr. Rogers' license on probation for another case. Dr. Rogers has been compliant with the Board order in that matter which addressed similar allegations.

MOTION: Dr. Cunningham moved for an **Investigative Hearing**. Mr. Landau seconded.

ROLL CALL VOTE: Motion passed 7-0.

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

Reviews of Executive Director Dismissals:

- A. Brooke Blumetti, DO Case No. DO-13-0053A License No. 005682

Dr. Blumetti was not present. The complainant and her sister were present. The Medical Consultant reviewed the case. The complainant and her sister addressed the Board and answered the Board’s questions. After discussion and consideration, it was determined there was no violation of statute.

MOTION: Dr. Sabeeh moved to **uphold** the Executive Director Dismissal. Dr. Reiss seconded.

ROLL CALL VOTE: Motion passed 7-0.

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

The Board requested that the importance of clear physician/patient communication be conveyed to Dr. Blumetti.

- B. Rafah Alsahlani, DO Case No. DO-13-0155A License No. 005467

Dr. Alsahlani and the complainant were not present. The Investigator reviewed the case. After discussion and consideration, it was determined there was no violation of statute.

MOTION: Dr. Cunningham moved to **uphold** the Executive Director Dismissal. Dr. Reiss seconded.

VOICE VOTE: Motion passed 7-0.

The Board recessed for a short break at 9:57 a.m. and resumed open session at 10:08 a.m.

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

- A. Philo Rogers, DO Case No. DO-11-0110A License No. 2809

Dr. Rogers was present with his attorney, Heather Hendrix, and was sworn in by the court reporter. The Medical Consultant reviewed the case. After discussion and consideration, it was determined that based on the medical records, Dr. Rogers did not meet the standard of care in this case. The Board also expressed concern regarding Dr.

Rogers' treatment of Attention Deficit Disorder in children and prescribing medications for Attention Deficit Disorder in children.

MOTION: Dr. Ward moved for a finding of unprofessional conduct in that the physician engaged in the practice of medicine in a manner that harms or may harm a patient, and the Board determined he fell below the community standard and endangered a patient's or the public's health pursuant to A.R.S. § 32-1854(6) & (38). Mr. Landau seconded.

Dr. Ward amended his motion and Mr. Landau seconded, to include the FINDINGS OF FACT as follows:

1. The patient was emergently treated for an apparent medication overdose and then Dr. Rogers without independently verifying the reason for her admission to the hospital refilled controlled substance prescriptions.
2. There was a pharmacy audit performed on the patient which revealed she was receiving medications from multiple providers. This was not discussed with the patient.
3. Old medical records were requested, however, there were none available in the chart.
4. There was no narcotic contract.
5. There were no drug screens performed.

ROLL CALL VOTE: Motion passed 7-0.

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

MOTION: Dr. Ward moved for an **Administrative Warning** and for Respondent to obtain 10 hours of **non-disciplinary Continuing Medical Education** in the area of treatment of Attention Deficit Disorder at the respondent's cost, to be pre-approved by the Executive Director and completed within 12 months. The CME shall be in addition to the statutory requirements. Mr. Landau seconded.

ROLL CALL VOTE: Motion passed 7-0.

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

Mr. Landau excused himself from the rest of meeting.

Dr. Rogers was present with his attorney, Heather Hendrix. The Deputy Director reviewed the case. Dr. Rogers answered the Board's questions. After discussion and consideration, it was determined that Dr. Rogers had not violated the terms of his current Order in case DO-09-0154A and DO-10-0069A.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Reiss seconded.

ROLL CALL VOTE: Motion passed 6-0-0-1.

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

C. Jeremy Mosburg, DO Case No. DO-12-0039A License No. 005155

Dr. Mosburg was present with his attorney, John Gabroy, and was sworn in by the court reporter. The Investigator reviewed the case. The attorney and Dr. Mosburg addressed the Board and answered the Board's questions. Dr. Mosburg expressed his apologies to the Board and his embarrassment about the incident in question. The complainant was present and was sworn in by the court reporter. The complainant answered the Board's questions.

The Board expressed concern regarding the insensitivity exhibited by Dr. Mosburg to both the medical student and the patient involved in this incident.

MOTION: Dr. Reiss moved to issue a non-disciplinary **Letter of Concern** to Dr. Mosburg for inappropriate communication to the patient through the medical student, and inappropriate direction to the medical student, while acting as a medical supervisor. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 4-2-0-1.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	4	X	X	X		X		
NO	2						X	X
ABSTAIN/RECUSE	0							
ABSENT	1				X			

Dr. Ward excused himself from the rest of meeting.

D. Don Wagner, DO Case No. DO-12-0070A License No. 3719

Dr. Wagner was present with his attorney, Stephen Myers, and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Wagner and Mr. Myers addressed the Board. Dr. Wagner reported that the PA in question no longer worked for his office. Dr. Wagner reported the PA was prescribing controlled substances to the patient without Dr. Wagner's knowledge. He also reported that he had taken steps to improve his supervisory

role for Physician Assistants and has required additional Continuing Medical Education for his staff. The Board requested staff to research the Board’s responsibility, if any, regarding the handling of retaliation.

MOTION: Dr. Cunningham moved to issue a non-disciplinary **Letter of Concern** for inappropriate supervision of a Physician Assistant. Dr. Sabeeh seconded.

ROLL CALL VOTE: Motion carried 5-0-0-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	5	X	X	X		X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2				X			X

E. Darrell Peters, DO Case No. DO-11-0168A License No. 005529

Dr. Reiss recused himself from this case.

Dr. Peters was present with his attorney, Lawrence Rosenfeld, and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Peters answered the Board’s questions. The Board expressed concern that Dr. Peters did not have medical records for a number of patients that he had seen outside of his regular practice. Dr. Peters stated he had taken the two-day PACE course in record keeping and he will not have this happen in the future. He will not see patients outside of his normal practice and he will refer people to the appropriate care or facility for their medical needs.

MOTION: Dr. Sabeeh moved to issue a non-disciplinary **Letter of Concern** for failure to maintain adequate medical records. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 4-0-1-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	4	X	X	X			X	
NO	0							
ABSTAIN/RECUSE	1					X		
ABSENT	2				X			X

F. Matthew Duke, DO Case No. DO-11-0072A License No. 3481

Dr. Duke was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Duke answered the Board’s questions. The Board expressed concern regarding his prescribing practices but understood the difficulties facing rural doctors with pain management patients. The Board provided Dr. Duke with a copy of the Federation of State Medical Board’s publication, *Responsible Opioid Prescribing: A Clinician’s Guide* by Scott A. Fishman, MD.

MOTION: Dr. Cunningham moved to issue a non-disciplinary **Letter of Concern** for inappropriate prescribing and for Dr. Duke to obtain 20 hours non-disciplinary **Continuing Medical Education** in the area of opioid prescribing at

the respondent's cost, to be pre-approved by the Executive Director and to be completed in six months. The CME shall be in addition to the statutory requirements. Dr. Reiss seconded.

ROLL CALL VOTE: Motion carried 5-0-0-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	5	X	X	X		X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2				X			X

The Board recessed for lunch at 1:15 p.m. and resumed Open Session at 1:52 p.m.

G. E. Griffin Cipolla, DO Case No. DO-12-0073A License No. 2811

This case was continued.

Cases called after 1:00 p.m.

H. Brian Rizzo, DO Case No. DO-10-0197A License No. 3597

Dr. Rizzo was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Rizzo answered the Board's questions. The Board expressed concern about the legibility of his documentation and suggested using dictation instead of handwriting. He reported he is now using a dictation tool for his records. After discussion and consideration, it was determined there was no statutory violation.

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

ROLL CALL VOTE: Motion carried 5-0-0-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	5	X	X	X		X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2				X			X

I. William Stonecipher, DO Case No. DO-12-0100A License No. 0468

Dr. Stonecipher was present and was sworn in by the court reporter. The Medical Consultant reviewed the case and the results from a ten file chart review. Dr. Stonecipher answered the Board's questions. After discussion and consideration, it was determined there was no statutory violation.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Reiss seconded.

ROLL CALL VOTE: Motion carried 5-0-0-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	5	X	X	X		X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2				X			X

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

Dr. Michel was present and was sworn in by the court reporter. The Executive Director reviewed the interim consent agreement currently in effect. Dr. Michel was present to request a return to practice. Dr. Michel answered the Board’s questions. She also requested that her prescribing rights be returned as she had completed the required CME.

MOTION: Dr. Steingard moved to amend the Interim Consent Agreement to allow Dr. Michel to work up to 24 hours per week and to allow prescribing of controlled substances at a limit of no more than 30 pills per month for three consecutive months within a twelve (12) month period. She would also be required to comply with all other terms of the Consent Agreement and other Orders that may be in effect. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 5-0-0-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	5	X	X	X		X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2				X			X

Dr. Michel agreed to the terms. The Board recommended Dr. Michel plan to return no sooner than six months for an update with the Board.

K. Semone Rochlin, DO Case No. DO-12-0180A License No. 4462

Dr. Rochlin was present with her attorney, Stephen Myers, and was sworn in by the court reporter. Mr. Myers requested Dr. Sabeeh to recuse himself due to his client’s belief that she would not receive a fair hearing.

Dr. Steingard moved to enter Executive Session to obtain legal advice. Dr. Reiss seconded. The Board entered into Executive Session at 3:19 p.m. to obtain legal advice and returned to Open Session at 3:28 p.m.

Dr. Sabeeh briefly addressed Mr. Myers’ request. He denied that he is biased as Dr. Rochlin has claimed. He stated he advises patients to interview multiple surgeons. Dr. Sabeeh stated he is certain he would be able to be fair and impartial in Dr. Rochlin’s case. However, he wanted Dr. Rochlin to feel she had a fair hearing so he recused himself from the case.

The Medical Consultant reviewed the case. Dr. Rochlin read a prepared statement to the Board and answered the Board's questions. Mr. Myers addressed the Board. After discussion and consideration, it was determined there was no statutory violation.

Dr. Steingard suggested that Dr. Rochlin review her website for accuracy and that although she is a member of the American Academy of Cosmetic Surgeons (AACS), AACS is not a recognized certifying board in Arizona. The board only recognizes those specialties that are recognized by ABMS or AOA-BOS. Dr. Rochlin stated she would change her website as soon as possible. The Board directed staff to review Dr. Rochlin's website in one week to verify that Dr. Rochlin is in compliance.

MOTION: Dr. Cunningham moved for **Dismissal**. Dr. Reiss seconded.

ROLL CALL VOTE: Motion carried 4-0-1-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	4	X	X	X		X		
NO	0							
ABSTAIN/RECUSE	1						X	
ABSENT	2				X			X

L. Cory Gilliland, DO Case No. DO-12-0007A License No. 3935

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

Virgil Stenberg, Ph.D., medical director of Helen Foundation, was present and answered the Board's questions. He stated he has rheumatoid arthritis and is a scientist. He stated early in his career he turned his research toward the study of inflammation in the body. He talked about his publications in medical journals. At Helen Foundation he stated they treat inflammatory diseases using microdose cortisone therapy.

After discussion and consideration, it was determined there was no statutory violation.

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

ROLL CALL VOTE: Motion carried 5-0-0-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	5	X	X	X		X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2				X			X

M. Thomas Bennett, DO Case No. DO-11-0040A License No. 1789

Dr. Bennett was present and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. Bennett answered the Board's questions. He also stated that he has not been practicing medicine since 2005.

Arlene England, DO, who is board certified in obstetrics and gynecology, was present as a medical consultant. Dr. England provided a history of forceps delivery and the changes regarding delivery practices. She stated that in certain situations where a choice between forceps and caesarian section is warranted, in the hands of a trained physician, forceps are a valid choice for delivery.

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

ROLL CALL VOTE: Motion carried 5-0-0-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	5	X	X	X		X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2				X			X

N. Salvatore LaCognata, DO Case No. DO-12-0005A License No. 3700

Dr. LaCognata was present with his attorney, Frederick Cummings, and was sworn in by the court reporter. The Medical Consultant reviewed the case. Dr. LaCognata answered the Board's questions. The complainant was also present and was sworn in by the court reporter. The complainant answered the Board's questions. After discussion and consideration, it was determined there was no statutory violation.

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

ROLL CALL VOTE: Motion carried 5-0-0-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	5	X	X	X		X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2				X			X

O. Guy Merz, DO Case No. DO-13-0139A License No. 2710

Dr. Reiss recused himself. Dr. Merz was present and was sworn in by the court reporter. The Executive Director reviewed the case. Dr. Merz answered the Board's questions. He advised he is ready to return to practice and requested he be allowed to do so.

MOTION: Dr. Sabeeh moved to offer a Consent Agreement which would allow Dr. Merz to return to practice with a limitation of thirty (30) hours per week and five (5) year term of probation with the terms associated with a monitoring Order. Dr. Merz may return to the Board in a few months to ask for reconsideration of the number of hours he may work per week. Dr. Cunningham seconded.

ROLL CALL VOTE: Motion carried 4-0-1-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	4	X	X	X			X	
NO	0							
ABSTAIN/RECUSE	1					X		
ABSENT	2				X			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. Philo Rogers, DO Case No. DO-09-0154A and License No. 2809
 Case No. DO-10-0069A

This case was heard following Case No. DO-13-0125A . Dr. Rogers was present with his attorney, Heather Hendrix, and remained sworn in. The Executive Director reviewed Dr. Rogers’ request to modify his Order in these cases to end the requirement for a practice monitor. Dr. Rogers has been compliant with the Order and the monitors’ reviews have been positive. Dr. Rogers’ attorney stated the last two monitor’s reports had no recommendations for improvement.

MOTION: Dr. Reiss moved to revise the Order to eliminate paragraph 4, and subparts, of the Order which requires a practice monitor. Dr. Sabeeh seconded. Dr. Reiss amended his motion to also delete paragraph 2 which allows Dr. Rogers to prescribe controlled substances to children with ADD. Dr. Rogers stated he was in agreement with these modifications. Dr. Sabeeh seconded.

ROLL CALL VOTE: Motion passed 5-0-0-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	5	X	X	X		X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2				X			X

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. R4-22-207.

- A. Ryan Toole, DO Case No. DO-13-0151A Application No. 006214

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

MOTION: Dr. Cunningham moved to approve licensure for Dr. Toole. Dr. Reiss seconded.

ROLL CALL VOTE: Motion passed 5-0-0-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	5	X	X	X		X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2				X			X

B. Greg Singer, DO Case No. DO-13-0160A Application No. 006203

This application review was continued.

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

A. Report on ED Dismissed Complaints

Ms. Jones reported that between July 15, 2013 and September 4, 2013, 48 cases were dismissed. A listing of all of the details was attached to her report.

B. President and Board Member reports

C. Executive Director Report

1. Presentation of FY2014 Budget

Ms. Jones reported the budget amount for FY2014 and it included the cost for updating laptops.

2. Approval of FY2014-2018 Strategic Plan

The Board reviewed the document, no action was taken.

3. Update on Rules Committee

Ms. Jones reported that the rules committee had a very successful meeting and will meet again in October to revise the rules so they may be considered by the Board in November.

4. Security updates for office and board room.

Ms. Jones reported that the office entry upgrade should be started the second week of October. In addition, the Medical Board is investigating the use of a metal detector, wand and x-ray for entrance into the Board room. If such items are available, it would likely mean the need for an additional off-duty officer for Board meetings.

D. Review, Discussion, and Action on request from David Reynolds, DO for change in Minutes dated February 23, 2013 and May 18, 2013.

Dr. Reiss recused himself from this matter. The Board considered Dr. Reynold's request.

MOTION: Mr. Fiegen moved to revise the minutes from the above-referenced meetings as requested by Dr. Reynolds. Dr. Steingard seconded.

ROLL CALL VOTE: Motion carried 4-0-1-2.

	Vote	Dr. Steingard	Dr. Cunningham	Mr. Fiegen	Mr. Landau	Dr. Reiss	Dr. Sabeeh	Dr. Ward
YES	4	X	X	X			X	
NO	0							
ABSTAIN/RECUSE	1					X		
ABSENT	2				X			X

11. ADJOURNMENT

The meeting adjourned at 6:23 p.m.

DRAFT