



Governor
Janice K. Brewer

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

9535 EAST DOUBLETREE RANCH RD, STE 200
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.
Mary Ann Picardo, D.O.
Jon B. Fiegen, J.D.
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, September 24, 2011

BOARD MEMBERS PRESENT:

Scott Steingard, D.O., 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.

BOARD MEMBERS ABSENT:

Douglas Cunningham, D.O., Vice President

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 Section
Beverly Alfson, Licensing/Business Manager
Kathy Fowkes, Administrative Secretary
Cindy Bachman (Ottmar Holiday & 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. Six 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.

3. PRESIDENT'S REPORT AND CALL TO THE PUBLIC

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

B. 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.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

July 30, 2011 Open Session

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

VOICE VOTE: Motion passed 6-0.

July 30, 2011 Executive Session

MOTION: Dr. Picardo moved to accept the minutes. Mr. Fiegen 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. Paul Blumberg, DO Case No. DO-08-4150A License No. 1597

The Board directed that the Executive Director move this to an Investigative Hearing.

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

A. Richard Settles, DO Case No. DO-08-4185A License No. 2686

Dr. Settles was present and was sworn in by the court reporter. The Investigator reviewed the case. This case has been referred to the federal authorities for investigation of possible Stark violations.

MOTION: Mr. Landau moved to **Administratively Close** this case. Dr. Ward seconded.

VOICE VOTE: Motion passed 6-0.

B. Richard Settles, DO Case No. DO-10-0061A License No. 2686

Dr. Settles was present and remained sworn in. The Medical Consultant reviewed the case. Dr. Settles answered the Board's questions.

The Board recessed to Executive Session at 8:53 a.m. for legal advice and returned to Open Session at 9:09 a.m.

Due to the Board's concerns that during interviews, Dr. Settles made contradictory statements which made it very difficult for the Board to determine the truth, the Board directed the Executive Director to issue an interim order for a psychological evaluation by a Board-approved Psychologist to be completed within 60 days.

Board directed staff to complete a chart review of 15 patients in Dr. Settles' practice who are receiving chronic pain medications, and 15 other random chart reviews of patients not being treated for chronic pain. The Board directed Dr. Settles to provide proof of all CME completed in the last 2 years and documentation of training in Addiction Medicine to be submitted to the Board within 30 days. The Board also directed Dr. Settles to disclose in writing to the Board every hospice he has had involvement with, and to provide any and all medical records not previously provided for this case. The Board continued this case until the records and evaluation can be reviewed.

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

Dr. Berger was not present.

MOTION: Mr. Landau moved to remand this case back to Case Review. Dr. Ward seconded.

VOICE VOTE: Motion passed 6-0.

D. Michelle Mifflin, DO Case No. DO-09-0203A License No. 3819

Dr. Mifflin was present and was sworn in by the court reporter. The Medical Consultant reviewed the case and the additional information the Board had requested at an earlier date of the hearing. Dr. Mifflin answered the Board's questions. The complainant was present but declined to further address the Board.

MOTION: Dr. Ward moved to issue a **LETTER OF CONCERN** for failure to supervise medical assistant staff and for poor medical record documentation. 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. Joel Edelstein, DO Case No. DO-09-0129A License No. 1705

Dr. Picardo recused herself from this case and left the room.

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

MOTION: Dr. Steingard moved for a **DISMISSAL**. Dr. Ward seconded.

ROLL CALL VOTE: Motion passed 5-0.

	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					

F. Alphonse Ambrosia, DO Case No. DO-10-0025A License No. 2705

Dr. Ambrosia was present and represented by legal counsel James B. Shields. Dr. Ambrosia was sworn in by the court reporter. The Investigator reviewed the case. Dr. Ambrosia and Mr. Shields answered the Board's questions. Joseph Kottcamp, RDCS, RVT was present and was sworn in by the court reporter. Mr. Kottcamp answered the Board's questions.

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

VOICE VOTE: Motion passed 6-0.

G. Philo Rogers, DO Case No. DO-09-0154A License No. 2809

Dr. Sabeeh recused himself from this case and left the room.

Dr. Rogers was present and was represented by legal counsel Heather Hendrix. Dr. Rogers was sworn in by the court reporter. The Medical Consultant reviewed the case. The Board considered the proposed Consent Agreement.

Board recessed for a break at 10:55 a.m. and returned to Open Session at 11:18 a.m.

The Board continued this case for the purpose of reviewing Agenda item 6H.

The Board returned to this case in the afternoon. The Board elected to combine this case and DO-10-0069A for the purpose of a single Consent Agreement for Decree of Censure and Probation; Dr. Rogers and Ms. Hendrix had no objection.

Dr. Sabeeh recused himself from further consideration of DO-10-0069A and the vote on the combined cases.

MOTION: Mr. Landau moved to accept the Consent to Entry of Findings of Fact, Conclusions of Law and Order for **DECREE OF CENSURE AND PROBATION** for cases DO-09-0154A and DO-10-0069A. Dr. Picardo seconded.

ROLL CALL VOTE: Motion passed: 5-0.

	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. Philo Rogers, DO Case No. DO-10-0069A License No. 2809

Dr. Rogers remained sworn in. The Medical Consultant reviewed the case. The Board discussed the case. The Board requested the Assistant Attorney General finalize the Consent Agreement and continued the case.

The Board returned to this case in the afternoon. The Board elected to combine this case and case DO-09-0154A for the purpose of a single Consent Agreement for a Decree of Censure and Probation, after which Dr. Sabeeh recused himself from the case.

The Board resolved this case with DO-09-0154A.

Dr. Steingard recognized Dr. Arlene England, who served as a member of the Board from 2005 through 2011. On behalf of the Board and staff, Dr. Steingard presented her with a special award and thanked Dr. England for her years of dedicated service to Arizona.

The Board addressed the students and dismissed them. The board then recessed for lunch at 12:00 p.m. and returned to Open Session at 1:19 pm.

I. Keenan Wanamaker, DO Case No. DO-09-0052B License No. 3721

Dr. Wanamaker was not present. The Deputy Director reviewed the status of this case. The Board directed staff to make further attempts to locate Dr. Wanamaker and issue the notice of Investigative Hearing.

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. R4-22-109.

A. Michelle M. D’Almeida, DO Case No. DO-11-0081A Applicant No. 005620

Dr. D’Almeida was not present. The Executive Director reviewed the status of this application. The Board took no action, pending receipt of the documentation previously requested.

B. Deborah Marietta-Nunez, DO Case No. DO-11-0082A Applicant No. 005636

Dr. Marietta-Nunez was not present. The Executive Director reviewed the application, and informed the Board that notice regarding the legal consequences of a denial had been sent to Dr. Marietta-Nunez, but no reply had been received.

MOTION: Dr. Ward moved to **DENY** Dr. Marietta-Nunez’ application for licensure. 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					

C. Charles Christopher Brooker, DO Case No. DO-11-0083A Applicant No. 005667

Dr. Brooker was present. The Executive Director reviewed the application.

The Board went into Executive Session at 2:03 p.m. to discuss confidential records and returned to Open Session at 2:22 p.m.

Dr. Brooker answered the Board's questions.

The Board directed the Executive Director to **APPROVE** Dr. Brooker's application for licensure.

D. Brad Allen Cucchetti, DO Case No. DO-11-0101A Applicant No. 005722

Dr. Cucchetti was not present. The Executive Director informed the Board that Dr. Cucchetti had asked for and was granted a continuance to the December 3, 2011 meeting.

Board recessed for a break at 2:28 p.m. and returned to Open Session at 2:35 pm.

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

A. Paul Blumberg, DO Case No. 3972 License No. 1597

MOTION: Mr. Landau moved to remand this back to Investigative Hearing. Dr. Picardo seconded.

VOICE VOTE: Motion passed 6-0.

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

A. Dates for Board Meetings in 2012

The Board agreed to December 3, 2011 as the next public meeting date, and agreed to the proposed meeting schedule for 2012.

B. Policies regarding Initial Applications for Licensure; including discussion of Federation Credentials Verification Service with representatives of Federation of State Medical Boards

Sandra Waters, Chief Operating Officer and Mike Dugan, Chief Information Officer, of the Federation of State Medical Boards, presented information before the Board regarding the Federation Credential Verification Service and issues regarding use of that copyrighted information in light of AZ public records statutes. Ms. Waters and Mr. Dugan answered the Board's questions. The Board took no action, and left in place the 1998 decision to accept FCVS packets as part of initial application of licensure.

10. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON HIRING OF EXECUTIVE DIRECTOR

A. Update on search / dates for interviews

The Board decided to meet in October or November to interview candidates for the position of Executive Director.

B. First review of resumes

The Board did not review or discuss the resumes at the meeting.

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

- A. Report on ED Dismissed Complaints
The Board did not comment on this report.
- B. September Staff Report
The Board did not comment on this report.
- C. President & Board member reports
No reports were made.
- D. Asst Attorney General's report
No report was made.

12. ADJOURNMENT

The meeting adjourned at 3:53 p.m.