ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY
9535 EAST DOUBLETREE RANCH ROAD
SCOTTSDALE, ARIZONA 85258-5539
(480) 657-7703 * FAX (480) 657-7715
www.azosteoboard.org

Governor
Janet Napolitano

BOARD MEMBERS:
David M. Steinway, D.O., President
Stanley J. Grossman, Vice President
Andrew Becke
Arlene England, D.O.
MaryAnn Picardo, D.O.
Scott Steingard, D.O.
F. P. Wedel, D.O.

Executive Director
Jack Confer

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

December 9, 2006

BOARD MEMBERS PRESENT: President David Steinway, D.O., Vice-President Stanley Grossman, Andrew Becke, Arlene England, D.O., Mary Ann Picardo, D.O., Scott Steingard, D.O. and F. P. Wedel, D.O.

STAFF / OTHERS PRESENT: Jack Confer, Executive Director
Barbara Meyers, Deputy Director
Barbara Prah, D.O., Medical Consultant
Beverly Alfson, Business/Licensing Manager
John O'Hair-Shattenberg, Investigator
Blair C. Driggs, Assistant Attorney General

1. CALL TO ORDER

The Board President, Dr. David Steinway, called the meeting to order at 8:05 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. All the Board Members listed above were present, establishing quorum for the meeting.

3. PRESIDENT'S REPORT AND CALL TO THE PUBLIC

A. Welcome to the 3rd year Medical Students – Arizona College of Osteopathic Medicine at Midwestern University and Kirksville College of Osteopathic Medicine at A.T. Stills 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

A. October 21, 2006 Open Session Minutes

MOTION: Mr. Becke moved to ACCEPT the minutes as presented. Dr. Steingard seconded.

VOTE: The motion passed unanimously.

B. October 21, 2006 Executive Session Minutes

MOTION: Mr. Becke moved to ACCEPT the minutes as presented. Dr. Steingard seconded.

VOTE: The motion passed unanimously.

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

A. Bruce Takahashi, D.O. Case No. 3703 License No. 3133

Dr. Takahashi was present and sworn in by the court reporter. Neil Alden was present as his legal representative. The Medical Consultant read the case summary into the record. Dr. Takahashi discussed the case and answered all questions posed by the Board. The complainant was present and sworn in. The complainant discussed the case with the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	6		X	X	X	X	X	X
NO	1	X						
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 6-1.

B. Henry Tomlinson, D.O. Case No. 3307 License No. 2639

Dr. Tomlinson was present and sworn in by the court reporter. Stephen Myers was present as his legal representative.

MOTION: Dr. Steinway moved for an Executive Session to obtain legal advice. Mr. Grossman seconded.

VOTE: The motion passed unanimously.

The Board went into Executive Session at 8:46 a.m.
The Board returned to Open Session at 8:58 a.m.

The Executive Director summarized the case for the record. A CONSENT AGREEMENT FOR A LETTER OF CONCERN AND NON-DISCIPLINARY ORDER FOR CONTINUING MEDICAL EDUCATION was presented. Mr. Myers addressed the Board

and answered all questions posed by the Board.

MOTION: Dr. Steingard moved to ACCEPT the CONSENT AGREEMENT as presented. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	4		X			X	X	X
NO	3	X		X	X			
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 4-3.

C. Budi Bahureksa, D.O. Case No. 3436 License No. 3901

Dr. Bahureksa was present and sworn in by the court reporter. Peter Akmajian was present as his legal representative.

MOTION: Mr. Grossman moved for an Executive Session for legal advice. Mr. Becke seconded.

VOTE: The motion passed unanimously.

The Board went into Executive Session at 9:20 a.m.
The Board returned to Open Session at 9:25 a.m.

FIRST MOTION: Mr. Grossman moved to issue a LETTER OF CONCERN pursuant to A.R.S. §32-1854 (6) for unprofessional conduct. Dr. Bahureksa was also required to complete continuing medical education in maintaining professional boundaries. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	3		X				X	X
NO	4	X		X	X	X		
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion failed 3-4.

SECOND MOTION: Dr. Wedel moved for a FIVE YEAR PROBATION pursuant to A.R.S. 32-1854 (6), (38), and (42a) for unprofessional conduct

and boundary issues. Dr. Bahureksa was required to have a chaperone in the room when conducting examinations on female patients. Dr. Bahureksa was also required to complete continuing medical education in maintaining professional boundaries. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	5		X	X	X	X	X	
NO	2	X						X
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 5-2.

D. POSTPONED
E. POSTPONED
F. POSTPONED
G. POSTPONED
H. POSTPONED

6. **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. Paul W. Frutos, D.O

The Executive Director summarized concerns with Dr. Frutos' application.

MOTION: Dr. Picardo moved that Dr. Frutos undergo evaluation by a local psychiatrist. Dr. England seconded.

VOTE: The motion passed unanimously.

B. Joshua Keith, D.O.

Dr. Keith failed to appear.

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

A. David Tomich, D.O. Case No. 3670 License No. 3778

Dr. Tomich was present accompanied by his attorney Jill Covington. The complainant was also present. The Executive Director summarized the case. All questions posed by the Board were answered.

FIRST MOTION: Dr. England moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	2				X		X	
NO	5	X	X	X		X		X
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion failed 2-5.

SECOND MOTION: Mr. Becke moved for a LETTER OF CONCERN pursuant to A.R.S. §32-1854 (6) and (38) for improperly writing a prescription putting a patient in danger.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	5	X	X	X		X		X
NO	2				X		X	
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 5-2.

B. Michael Trainor, D.O. Case No. 3571 License No. 4039

The complainant was present and discussed the case with the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

C. John Kuss, D.O. Case No. 3769 License No. 3480

MOTION: Mr. Becke moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

D. Edward Shapiro, D.O. Case No. 3582 License No. 2847

MOTION: Dr. Wedel moved for an INVESTIGATIVE HEARING. Mr. Becke seconded.

VOTE: The motion passed unanimously.

E. Judy Pinsonneault, D.O. Case No. 3599 License No. 2762

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

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

F. Christopher Crowe, D.O. Case No. 3588M License No. 2820

MOTION: Dr. England moved for an INVESTIGATIVE HEARING. Mr. Becke seconded.

VOTE: The motion passed unanimously.

G. Leon Thompson, III, D.O. Case No. 3547 License No. 3035

A family member of the complainant was present and answered all questions posed by the Board.

MOTION: Dr. Steingard moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

VOTE: The motion passed unanimously.

H. Brian Marks, D.O. Case No. 3719 License No. 2964

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Becke seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

I. Lee Laris, D.O. Case No. 3756 License No. 2459

MOTION: Dr. England moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

J. William McCormick, D.O. Case No. 3620 License No. 1463

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Becke seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

K. Tedd Goldfinger, D.O. Case No. 3587M License No. 2198

MOTION: Dr. Wedel moved to TABLE the case in order to obtain further information. Dr. England seconded.

VOTE: The motion passed unanimously.

L. Vinus Patel, D.O. Case No. 3772 License No. 3731

MOTION: Dr. Wedel moved for an INVESTIGATIVE HEARING. Mr. Becke seconded.

VOTE: The motion passed unanimously.

M. Brian Rizzo, D.O. Case No. 3598 License No. 3597

Dr. Rizzo was present and answered all questions posed by the Board.

MOTION: Dr. Wedel moved for DISMISSAL. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

N. Kenneth Paige, D.O. Case No. 3773 License No. 3169

MOTION: Dr. Steinway moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

O. Merle Turner, D.O. Case No. 3579 License No. 1601

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

P. Keith May, D.O. Case No. 3666 License No. 1784

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

Q. Jeffrey Gitt, D.O. Case No. 3688 License No. 2023

MOTION: Dr. Wedel moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

R. Christina Goldstein-Charbonneau, D.O. Case No. 3600 License No. 3675

MOTION: Dr. Wedel moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

S. Steven Chintis, D.O. Case No. 3654 License No. 2583

MOTION: Dr. Wedel moved for an INVESTIGATIVE HEARING. Dr. Steingard seconded.

VOTE: The motion passed unanimously.

T. Timothy Shaw, D.O. Case No. 3606M License No. 1494

MOTION: Dr. Steingard moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

U. Harry Gale, D.O. Case No. 3601M License No. 2772

MOTION: Dr. Wedel moved for an INVESTIGATIVE HEARING. Mr. Becke seconded.

VOTE: The motion passed unanimously.

V. Arlene England, D.O. Case No. 3721 License No. 2283

Dr. England recused herself.

MOTION: Mr. Becke moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	6	X	X	X		X	X	X
NO	0							
ABSTAIN	1				X			
ABSENT	0							

ROLL CALL VOTE: The motion passed 6-0.

W. Paul Laven, D.O. Case No. 3619 License No. 2821

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

X. Scott Schleifer, D.O. Case No. 3621 License No. 3536

The complainant was present and answered all questions posed by the Board.

MOTION: Mr. Grossman moved for an INVESTIGATIVE HEARING. Mr. Becke seconded.

VOTE: The motion passed unanimously.

Y. Michael Barry, D.O. Case No. 3761 License No. 2782

MOTION: Dr. Wedel moved for DISMISSAL. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

Z. James Beck, D.O. Case No. 3787 License No. 1301

MOTION: Dr. Wedel moved for DISMISSAL. Dr. England seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

AA. Brian Rizzo, D.O. Case No. 3732 License No. 3597

Dr. Rizzo was present and answered all questions posed by the Board.

MOTION: Dr. Steingard moved for DISMISSAL. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

BB. Jeff Baird, D.O. Case No. 3562 License No. 2431

MOTION: Mr. Becke moved to refer to FORMAL HEARING. Dr. Wedel seconded.

VOTE: Mr. Becke, Dr. Wedel, Mr. Grossman, Dr. England, Dr. Picardo, and Dr. Steingard voted for the motion. Dr. Steinway opposed the motion.

CC. Marc Register, D.O. Case No. 3559 License No. 2902

MOTION: Mr. Becke moved for DISMISSAL. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X

NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

DD. John Charochak, D.O. Case No. 3609 License No. 2333

MOTION: Dr. England moved for DISMISSAL. Mr. Becke seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

EE. Ali Araghi, D.O. Case No. 3594 License No. 3576

MOTION: Mr. Becke moved for DISMISSAL. Dr. Steingard seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

FF. John Prieve, D.O. Case No. 3776 License No. 3855

Dr. Prieve was present. The Deputy Director summarized the case. Dr. Prieve answered all questions posed by the Board. The Executive Director proposed a Consent Agreement for Probation.

FIRST MOTION: Mr. Becke moved for an INVESTIGATIVE HEARING. Mr. Grossman seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	1					X		
NO	6	X	X	X	X		X	X
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion failed, 1-6.

SECOND MOTION: Dr. Wedel moved for a CONSENT AGREEMENT for a FIVE YEAR PROBATION with standard terms for substance abuse. Dr. Picardo seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	6	X	X	X	X		X	X
NO	1					X		
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 6-1.

GG. POSTPONED
HH. POSTPONED
II. POSTPONED

JJ. Richard Mickle, D.O. Case No. 3784 License No. 2767

Dr. Mickle was present and accompanied by his legal representative Bruce Crawford.

MOTION: Mr. Becke moved for an INVESTIGATIVE HEARING. Mr. Becke also proposed that Dr. Mickle continue under the current Interim Agreement and that any modification to the agreement has to be addressed by the full Board. Dr. Wedel seconded.

	Vote	Dr. Steinway	Mr. Grossman	Dr. Wedel	Dr. England	Mr. Becke	Dr. Picardo	Dr. Steingard
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN	0							
ABSENT	0							

ROLL CALL VOTE: The motion passed 7-0.

8. REPORT ON HOSPITAL REPORTING PRACTICES WITH REFERENCE TO CASE NO. 3784

The Deputy Director provided a report to the Board.

9. PRESENTATION FROM CAROLE SUSSMAN, PHD, DIRECTOR, PROGRAM DEVELOPMENT AND EXTERNAL RELATIONS, PHYSICIAN ASSESSMENT AND CLINICAL EDUCATION PROGRAM (PACE), UNIVERSITY OF CALIFORNIA SAN DIEGO

Dr. Sussman gave a presentation to the Board and answered questions posed by the Board.

10. PRESENTATION FROM THE FEDERATION OF STATE MEDICAL BOARD

A presentation was given by Vice President Lisa Robin and FSMB Board Member Gary Clark.

11. EXECUTIVE DIRECTOR REPORT

A. Financial Report
B. Open Complaints Summary
C. Performance Measures Report
D. Sunset Committee of Reference Report
E. Executive Committee Report
   - Executive Director Performance & Salary Plan
   - Staff Performance & Salary Plan
F. Pharmacy Board, Prescription Monitoring Program
G. FSMB Model Guidelines for the Use of Complementary and Alternative Therapies in Medical Practice

ADJOURNMENT

The meeting adjourned at 3:12 p.m.

Dated this ___ day of _____, 2006.

_____
Jack Confer, Executive Director