



Governor  
Douglas A. Ducey

## ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

### IN MEDICINE AND SURGERY

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**Board Members**  
Douglas Cunningham, D.O., Pres.  
Jerry G. Landau, J.D., V.P.  
Gary A. Erbstoesser, D.O.  
Jonathan A. Maitem, D.O.  
Martin Reiss, D.O.  
Christopher Spiekerman, D.O.

**Executive Director**  
Amber Brake, JD, MHA, FACHE

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

Saturday, September 15, 2018

### BOARD MEMBERS PRESENT:

Douglas Cunningham, D.O. President  
Jerry G. Landau, J.D., Vice-President  
Jonathan A. Maitem, D.O.  
Martin Reiss, D.O.  
Gary A. Erbstoesser, D.O.

### ABSENT:

Christopher Spiekerman, DO

### STAFF / OTHERS PRESENT:

Amber Brake, JD, MHA, FACHE, Executive Director  
Rachel Shepherd, Investigations Manager  
John O'Hair-Schattenberg, Investigator  
Jenny Webb, Administrative Assistant  
Jeanne Galvin, Assistant Attorney General  
Lauren Kuhnhenh, CVR, Ottmar & Associates (a.m.)  
Debora Mitchell, RPR, Ottmar & Associates (p.m.)

### 1. CALL TO ORDER

Dr. Douglas Cunningham, Board President, called the meeting to order at 8:05 a.m.

### 2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the Roll. Five (5) board members were present, establishing quorum for the meeting.

### 3. CALL TO THE PUBLIC

Dr. Cunningham read the Board's mission statement: "The mission of the Board is to protect the public by setting educational and training standards for licensure, and by reviewing complaints made against osteopathic physicians, interns, and residents to ensure that their conduct meets the standards of the profession, as defined in law (A.R.S. § 32-1854)."

- A. Dr. Cunningham 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. If any member of the public who is not a respondent/licensee or applicant or complainant wishes to address the Board on a matter that appears on the agenda, you will be asked to speak during the Call to the Public. If you want to address the Board on an issue not on the agenda, you will also be asked to speak during the Call to the Public. All those wishing to speak should fill out a speaker form and give it to a staff member.

Dr. Borsand stated he attempted to find CME courses, per the Board Order, and is having a hard time finding any on-line. He has an application in with PACE. He has sold his practice and no longer performs surgery; he is going back to Addiction Medicine and would like to ask the Board if they would allow him to do the 20 hours of CME in addiction medicine.

The Board stated that the Order stands. Dr. Borsand may speak to the Executive Director for this issue to be on the next agenda meeting for discussion.

Dr. Scott Steingard, former AZ Osteopathic Board Chairman & President, has been in contact with Dave Henderson from the North Carolina Board, if any Arizona doctor would like to volunteer, due to Hurricane Florence they have an expedited license available to help in this crisis.

His term as Chair of the FSMB will start in April and he is looking for committee members. If the Board has any interest to be on a committee please contact him. Dr. Steingard also asked the Executive Director if funding is available for any of the Board Members to fly out to the Federation for the annual meeting in Dallas for the Chair reception. Dr. Cunningham stated for the first time in history the new Chair and the new Treasurer for the FSMB is from the same Board (Arizona).

#### 4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

- A. April 21, 2018 Open Session  
Dr. Maitem recused

**MOTION:** Dr. Reiss moved to approve the minutes. Dr. Erbstoesser seconded.

**VOICE VOTE:** Motion carried unanimously.

- B. April 21, 2018 Executive Session  
Dr. Maitem recused

**MOTION:** Dr. Reiss moved to approve the minutes. Dr. Erbstoesser seconded.

**VOICE VOTE:** Motion carried unanimously.

- C. June 23, 2018 Open Session  
Mr. Landau recused

**MOTION:** Dr. Reiss moved to approve the minutes. Dr. Maitem seconded.

**VOICE VOTE:** Motion carried unanimously.

- D. June 23, 2018 Executive Session  
Mr. Landau recused

**MOTION:** Dr. Reiss moved to approve the minutes. Dr. Maitem seconded.

**VOICE VOTE:** Motion carried unanimously.

- E. August 11, 2018 Open Session  
Dr. Erbstoesser recused

**MOTION:** Dr. Reiss moved to approve the minutes. Dr. Maitem seconded.

**VOICE VOTE:** Motion carried unanimously.

- F. August 11, 2018 Executive Session  
Dr. Erbstoesser recused

**MOTION:** Dr. Reiss moved to approve the minutes. Dr. Maitem seconded.

**VOICE VOTE:** Motion carried unanimously.

Dr. Cunningham rescinded the motion to approve the August 11, 2018 Executive Session minutes as they are not available for review. Dr. Maitem seconded.

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

A. Michael Andrew Steingart, DO DO-17-0288A License No. 2097

The Respondent was present. Mr. Landau recused himself. The complaint alleged excessive wait time and improper conduct. Respondent stated he saw the patient for shoulder surgery which she recovered nicely. The patient asked for a prescription for the Core Program which he honored and that was the last time he saw her. Respondent was surprised about the complaint and feels these are false allegations. Respondent stated he might have been late to the appointment but does not remember if he was. Respondent has student PA's, medical students and therapists in his office daily. Due to the nature of the shoulder surgery a first assistant was present. Respondent runs a tight ship with protocols and policy's. Respondent was to speak at a Spine conference this weekend but cancelled it to be at this Board meeting.

After Discussion and consideration the Board determined there was no statutory violation.

**MOTION:** Dr. Reiss moved for dismissal. Dr. Maitem seconded.

**VOICE VOTE:** The motion carried unanimously.

B. Jack Wolfson, DO DO-17-0251A License No. 3761

The Respondent was not present. The complaint alleged the Respondent is opening a school for unvaccinated children. The Board has information that the school will not be opened.

Mr. Landau moved to enter Executive Session for legal advice Dr. Erbstosser seconded. The Board entered Executive Session at 8:27 a.m. and returned to Open Session at 8:32 a.m.

After Discussion and consideration the Board determined there was no statutory violation.

**MOTION:** Mr. Landau moved for dismissal. Dr. Maitem seconded.

**VOICE VOTE:** The motion carried unanimously.

C. Jason Chanh Ly, DO DO-18-0043A License No. 006339

The Respondent was not present. The case was opened due to a reported action taken against the Respondent by the Washington State Department of Health.

After Discussion and consideration the Board determined to proceed to an Investigative Hearing.

**MOTION:** Dr. Cunningham moved for an investigative hearing. Dr. Maitem seconded.

**VOICE VOTE:** The motion carried unanimously.

The Board directed staff to contact the Washington Board for information about the 18 deaths and the Respondents involvement.

D. David A. Fife, DO DO-18-0050A License No. 4722

The Respondent was present with attorney Jill Covington. The complaint alleged the Respondent did not interview her for a psychiatric evaluation and he admitted her to a psychiatric hospital during Christmas.

The Board is concerned that the psychiatric evaluation was on a brief form for a suicidal patient.

Respondent stated it was a focused evaluation to determine if the patient could go home or should be admitted. She was already medically cleared and ready for discharge. The notes in the chart by different providers stated she was

depressed, had suicidal ideas and a previous suicide attempt. The Respondent stated that he did interview the patient and spent 25-30 minutes with her.

The Complainant was present and made a statement. She stated the Respondent fabricated her consultation records at Chandler Regional Medical Center on December 24, 2017 and put her in a psychiatric hospital when there was no reason to be put in there. She was not depressed and did not say she wanted to kill herself. There were three (3) social workers and a registered nurse on the floor who wanted her committed to a psychiatric hospital for Christmas.

After Discussion and consideration the Board determined to proceed to an Investigative Hearing.

**MOTION:** Dr. Erbstoesser moved for an investigative hearing. Dr. Reiss seconded.

**VOICE VOTE:** The motion carried unanimously.

The Board asked Complainant to provide names of the nurses and social workers to the Executive Director for follow-up.

E. Bryan David Friedman, DO DO-18-0051A License No. 006111

The Respondent was not present. The complaint alleged false statements were made from Respondent that he was a member and had privileges at Banner Payson Hospital and he engaged in abusive and disruptive conduct with members of staff.

After Discussion and consideration the Board determined there was no statutory violation. This matter should be dealt with between the hospital and the Respondent.

**MOTION:** Dr. Maitem moved for dismissal. Dr. Reiss seconded.

**VOICE VOTE:** The motion carried unanimously.

F. Burke Gary DeLange, DO DO-17-0296A License No. 005292

The Respondent was not present. The case was opened after receiving notice of a medical malpractice settlement which alleged lack of surgical informed consent resulted in pain and suffering.

After Discussion and consideration the Board determined there was no statutory violation.

**MOTION:** Dr. Reiss moved for dismissal. Dr. Erbstoesser seconded.

**VOICE VOTE:** Dr. Maitem nay. The motion carried.

G. Steven J. Locnikar, DO DO-17-0248A License No. 005284

The Respondent was present. The complaint alleged overprescribing of opiates and steroids.

The Board is concerned Respondent was treating panic disorder was benzodiazepine before other types of treatments.

Respondent made a statement. Patient came to office to get off of opioids. Respondent uses an abstinence based program at his office and uses Suboxone as a detox agent for a short period of time to help with the withdrawal symptoms. The patient had already been through multiple programs and was going to meetings and therapy. Respondent worked with patient using other substances for anxiety during treatment and used Benzodiazepines for one (1) week at a low dosage so he would not relapse to opioids. Respondent is an Addiction Medicine Specialist for ten (10) years. Respondent does not practice pain management.

After Discussion and consideration the Board determined there was no statutory violation.

**MOTION:** Dr. Reiss moved for dismissal. Dr. Erbstoesser seconded.  
**VOICE VOTE:** The motion carried unanimously.

The Board recessed for a break at 9:08 a.m. and returned to Open Session at 9:19 a.m.

**6. REVIEWS OF EXECUTIVE DIRECTOR DISMISSALS - (CONTINUATION OF REVIEW, DISCUSSION, AND ACTION ON CASE REVIEWS OF ALLEGATIONS OF UNPROFESSIONAL CONDUCT A.R.S. § 32-1855 (D))**

A. Robert J. Downey, DO DO-17-0304A License No. 3074

The Respondent was not present. The complainant was present and was sworn in. Complainant stated to the Board his credentials. His complaint is about the Veterans Administration Hospital D.O. and ARS 18-1854, reviewing complaints. He applied for the Peace Corp. but needed an exam for his medical condition to qualify. The Complainant states the Respondent did not disclose medications he was on. It bothers him that the Respondent did not show up and no one contacted the VA for records. Complainant disagrees with the Committee Meeting that he alleges only lasts for 2 minutes. The Complainant is requesting/demanding the Board to direct staff to investigate this case better and to contact him. He stated that there is still a typo in the minutes/agenda about parking.

The Board stated when a complaint is filed the burden of proof is on the doctor. The staff did investigate the allegations. While a committee meeting may be two (2) minutes, the research and investigation into the complaint was thorough in this matter. The committee members spend a significant time reviewing all the materials.

The Board had a discussion with the Complainant.

After discussion and consideration, the Board determined to uphold the dismissal.

**MOTION:** Dr. Maitem moved to uphold the Dismissal. Dr. Reiss seconded.  
**ROLL CALL VOTE:** The motion carried 3-2.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	3	X			X	X	
NO	2		X	X			
ABSTAIN/RECUSE	0						
ABSENT	1						X

B. Scott Nicholas Welle, DO DO-16-0189A License No. N/A

The Respondent was not present.

Dr. Cunningham moved to enter Executive Session for legal advice. Dr. Maitem seconded. The Board entered Executive Session at 9:44 a.m. and returned to Open Session at 9:46 a.m.

**MOTION:** Mr. Landau moved to uphold the dismissal without prejudice. The Respondent does not have an active license and the Board has no jurisdiction. If the Respondent applies for licensure the Board will then have jurisdiction and will consider opening a case. The file is to be closed due to no jurisdiction. Dr. Maitem seconded.  
**VOICE VOTE:** The motion carried unanimously.

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

A. Erin Nicole Syers, DO DO-17-0260A License No. 007003

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated her education and training. The Executive Director reviewed the Medical Consultant's case. The complaint alleged improper care and inadequate medical records.

The Respondent stated she was the third or fourth provider to see the patient when she was eleven (11) weeks pregnant. Respondent attested that the patient was frustrated by seeing different providers every time she came in. Respondent always introduced herself and did hear a fetal heartbeat. The Respondent offered the patient an ultrasound but it was up to the technician to see if the schedule permitted one. Respondent saw the patient one time after she miscarried. The Respondent acknowledged how difficult it must have been for the complainant to have been asked about the baby, after she had already miscarried, by an MA when she came in for an appointment.

The Respondent answered the Board's questions.

**MOTION:** Dr. Reiss moved for dismissal. Dr. Maitem seconded.

**VOICE VOTE:** The motion carried unanimously.

B. Keith Marion Keating, DO DO-17-0238A License No. 1877

The Respondent was present with attorney Fred Cummings and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Investigator reviewed the case. The complaint was forwarded from the Arizona Medical Board and alleges fraudulent prescriptions of opioids.

Respondent stated Peggy (daughter) is the front office person and takes patients to rooms. She has random drug screening and has been clean for two and a half years. There have been no complaints from any patients. The complainant has an adversary relationship with Peggy. Respondent stated that Peggy is a recovering addict and is doing well. The complainant is mainly directed through social contact, not directly through the office.

The Respondent answered the Board's questions. The Board questioned the timeline of when his daughter started working for him. Respondent stated she started working for him in 2012 and the indictment was in 2015. While his daughter was employed by Respondent it seems these crimes were committed. The Board asked what safeguards are in place in the office. The Respondent keeps his prescription either on his person or locked up. She is supervised at all times. Currently his daughter is looking for new employment as a counselor to individuals with similar type problems.

The attorney stated the Respondent brought Peggy to the attorney's office to understand the consequences her behavior could do to her father's medical license.

**MOTION:** Dr. Erbstoesser moved for dismissal. Dr. Reiss seconded.

**VOICE VOTE:** Mr. Landau nay. The motion carried.

C. Valdon Gale Landes, DO DO-17-0257A License No. 005611

The Respondent was not present. Case to be rescheduled to the October Meeting.

D. John Nicholas Gietzen, DO DO-17-0201A License No. 4158

The Respondent was not present. Case to be rescheduled to the October Meeting.

E. Kenneth M. Belkoff, DO DO-17-0254A License No. 2683

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Executive Director reviewed the Outside Medical Consultant review. The complaint alleged failure to diagnose.

Respondent made a statement. The patient was seen in the ER August 2016 and a CT scan showed a 5mm stone. Respondent initially saw patient January 2017 and the stone was seen as 4-5 mm. The patient was scheduled for lithotripsy but the patient cancelled 2 times (January-February). In March 2017 the patient had an x-ray and the stone was visible. A lithotripsy was completed on May 2017 and a stone was not visible. Patient stated he did not want a scope through him. The Respondent stated it now had been 10 months since the initial stone was detected and it could have passed, also the patient was having other issues and did not want to do anything yet and would follow up in 6 months.

The Respondent answered the Board’s questions.

The Board is concerned with the lack of documentation.

**MOTION:** Dr. Maitem moved for a Non-disciplinary Letter of Concern for medical documentation. Mr. Landau seconded.

**ROLL CALL VOTE:** The motion carried 5-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	5	X	X	X	X	X	
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1						X

Cases will be called after 1:00 p.m.

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

F. Carl Edward Ferguson, DO DO-17-0253A License No. 2244

The Respondent was not present. Tabled until October. The Board directed Jeanne Galvin, AAG, to contact the Respondents attorney.

G. Joel Benjamin Edelstein, DO DO-17-0153A License No. 1705

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Executive Director reviewed the Outside Medical Consultant’s review. The complaint alleged improper care and diagnosis of an adrenal lesion on the right adrenal gland.

Patient was initially seen by Respondent’s partner in practice in 2007, and then patient was seen by Respondent in October 2009 for toe pain. Respondent stated that there were computer issues prior to 2013; they now have a new system. The original diagnosis was in 2010 and rechecked 6 months later. This patient was seen by multiple providers in the practice and a note was placed in her chart stating adrenal hypoplasia instead of adrenal tumor. Respondent did see patient in September 2013 for shoulder pain, she came back in December when her shoulder did not improve and Respondent referred her to an orthopedic surgeon. The patient’s last appointment with Respondent was in 2015

for a general checkup and she stated she was seeing a naturopathic provider. The Respondent stated that the problem seemed to come from their DHR system and multiple providers entering information. The new system is able to track patient issues better.

The Respondent answered the Board’s questions.

The Board is concerned with the lack of documentation.

**MOTION:** Dr. Reiss moved for dismissal. There was no second. Motion fails.

**MOTION:** Dr. Maitem moved for a non-disciplinary Letter of Concern for failing to follow adrenal adenoma. Dr. Erbstoesser seconded.

**ROLL CALL VOTE:** The motion carried 5-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	5	X	X	X	X	X	
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1						X

H. Christopher Lynch Marsh, DO DO-17-0207A License No. 2532

The Respondent was present and was sworn in by the court reporter. The Executive Director reviewed the Medical Consultant’s review. At the request of the Board, the Respondent stated his education and training. The complaint alleged overprescribing to a patient.

Respondent has been seeing the patient for ten (10) Years. The patient had bad anxiety issues, insomnia and restless leg syndrome and was seeing the Respondent every month. The patient developed a DVT and Respondent referred him to an orthopedic surgeon, but he was too high a risk to do surgery. The patient was treated with chronic pain meds. Respondent did taper patient off MS Contin onto Oxycodone, then during the last couple of years the patient had some personal issues and the Respondent stopped tapering due to the anxiety.

The Respondent answered the Board’s questions.

The Respondent stated that treating patients ten (10) years ago differs from treating patients today. Today he would refer patients.

The Board discussed the ten (10) chart reviews. The Respondent has patients for chronic pain that have been established with him for 15-20 years, he does not take on any new patients. Respondent now has a three (3) page form patients fill out questioning their psychological background. He is gradually referring patients to a chronic pain specialist or a psychiatrist. Respondent has changed his practice six (6) months ago and is working to keep up to date with changing medicine.

The Board is concerned about the Respondents prescribing practices.

Dr. Cunningham moved to enter Executive Session for legal advice. Dr. Maitem seconded. The Board entered Executive Session at 2:48 p.m. and returned to Open Session at 2:58 p.m.



**MOTION:** Dr. Cunningham moved for a PACE Evaluation focused on opioid prescribing, to be signed up within 30 days and completed in six (6) months to be approved by the Executive Director. Mr. Landau seconded.

**VOICE VOTE:** The motion carried unanimously.

I. Kevin William Cleary, DO DO-17-0205A License No. 1647

The Respondent was present and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The E.D. reviewed the Medical Consultant's review. The complaint alleged overprescribing to her mother and other family members.

The Respondent cared for the patient since 1996; she had multiple medical issues and was referred to specialists. The patient's suicide overdose came as a surprise to the Respondent as he had cared for her for such a long time. He last saw her in March and the patient did not have any complaints about depression but there were some family stress issues and he prescribed medication for her depression. The Respondent prescribed opioids for three (3) months at a time.

The Board had a discussion with the Respondent. The Board stated that there was a lack of pharmacy audits, lack of urine drug screens and lack controlled substance agreements. Respondent was not routinely doing those procedures but is now doing drug contracts, urine screens and point of service drug screening with the ability to do it in office.

**MOTION:** Mr. Landau moved for non-disciplinary CME, ten (10) hours, in opioid prescribing and prescribing practices to be approved by the Executive Director and completed within six (6) months. The CME is to be completed in-person, not online. Dr. Maitem seconded.

**VOICE VOTE:** The motion carried unanimously.

J. Randy S. Large, DO DO-17-0206A License No. 3086

The Respondent was present with attorney Mr. Steve Perlmutter and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Investigator reviewed the case. The case was opened due to a self-report of an arrest and charge of a DUI.

The attorney made a statement and asks the Board to dismiss the complaint.

Respondent stated he regrets driving intoxicated and has completed a diversion program and pledges it will not happen again.

The Respondent answered the Board's questions.

**MOTION:** Mr. Landau moved for dismissal. Dr. Reiss seconded.

**VOICE VOTE:** The motion carried.

9. **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. Steven J. Locnikar, DO DO-17-0022A License No. 005284

The Respondent was present and is requesting early termination of his ten (10) year probation.

The Board is very pleased with Respondent's improvements.

**MOTION:** Dr. Reiss moved to lift probation. Dr. Cunningham seconded.

**ROLL CALL VOTE:** The motion carried 5-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Dr. Spiekerman
YES	5	X	X	X	X	X	
NO	0						
ABSTAIN/RECUSE	0						
ABSENT	1						X

**10. 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. David Brower, DO DO-18-00129A License No. N/A

The Applicant was present. The Investigator reviewed the license application. The Applicant disclosed a yes answer under the professional conduct portion of the application for being placed on probation for missing a large amount of time during his ICU rotation due to personal circumstances.

The Respondent answered the Board's questions.

Dr. Reiss moved to enter Executive Session to obtain personal health information. Dr. Erbstoesser seconded. The Board entered Executive Session at 1:30 p.m. and returned to Open Session at 1:55 p.m.

**MOTION:** Dr. Reiss moved to approve the license application. Dr. Maitem seconded.

**VOICE VOTE:** The motion carried unanimously.

B. Farrah Jalali Parker, DO DO-18-0130A License No. N/A

The Applicant was present. The Investigator reviewed the license application. The Applicant disclosed a yes answer under the professional conduct portion of the application for an arrest for under aged drinking.

The Respondent answered the Board's questions.

**MOTION:** Dr. Reiss moved to approve the license application. Dr. Maitem seconded.

**VOICE VOTE:** The motion carried unanimously.

C. Swathi Challa, DO DO-18-00133A License No. N/A

The Applicant was present. The Investigator reviewed the license application. The Applicant disclosed a yes answer under the professional conduct portion of the application for three (3) malpractice cases from her residency program.

The Respondent answered the Board's questions.

**MOTION:** Dr. Maitem moved to approve the license application. Dr. Reiss seconded.

**VOICE VOTE:** The motion carried unanimously.

D. Peter Matthew Bianco, DO DO-18-0128A License No. N/A

The Applicant was present. The Investigator reviewed the license application. The Applicant disclosed yes answers under the professional conduct portion of the application for a Medical Malpractice suit in 2007 and an arrest for a

DUI in 2009. During the substantive review process the Board was advised the Applicant has a Stipulation with the Colorado Board in 2018.

The Respondent answered the Board's questions.

**MOTION:** Dr. Erbstoesser moved to approve the license application. Dr. Maitem seconded.

**VOICE VOTE:** The motion carried unanimously.

**11. QUESTION AND ANSWER SESSION BETWEEN THE MEDICAL STUDENTS AND MEMBERS OF THE BOARD AND DISCUSSION RELATING TO ISSUES SURROUNDING THE PRACTICE OF OSTEOPATHIC MEDICINE.**

**12. REVIEW, CONSIDERATION AND ACTION ON REPORTS FROM EXECUTIVE DIRECTOR, BOARD MEMBERS, and ASST ATTORNEY GENERAL**

A. Report on ED Dismissed Complaints

The Executive Director provided a summary of dismissed, resolved and unresolved complaints.

B. President & Board Member reports

Licensing Backlog – The Governor's office received a complaint from Banner Hospital. The Medical Board is helping staff to get caught up.

Investigations currently has a backlog to July 2018, more resources will be dedicated to investigations once licensing is caught up.

C. Executive Director Report

1. Financial Report

Ms. Brake provided the Board with an update.

2. Summary of Current Events that Affect the Board

No matters were discussed.

3. Legislation Update

No updates were provided.

D. Review FY 2020 Proposal

The Executive Director is working to go from 7.2 FTE to 8.0 FTE that will be targeted to help in investigations.

Mr. Landau moved to enter Executive Session for legal advice. Dr. Erbstoesser seconded. The Board entered Executive Session at 11:10 a.m. and returned to Open Session at 11:14 a.m.

The Board discussed physicians embedded in their practice and not being up-to-date in prescribing opioids. The Board would like to put this on a future agenda regarding continuing education in opioids and CME in general.

**13. ADJOURNMENT**

The Board adjourned at 3:40 p.m.