



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

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Board Members:
Gary A. Erbstoesser, D.O., Pres.
Jonathan A. Maitem, D.O., V.P.
Jeffrey H. Burg, AIF
Dawn K. Walker, D.O.
Ken S. Ota, D.O.
Samara Shipon, D.O.
Michael Goodman

Executive Director
Justin Bohall

DRAFT MINUTES FOR VIRTUAL MEETING OF THE

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

Held on Friday, October 13, 2023 at 8:30 am

1. CALL TO ORDER

Board President Erbstoesser called the meeting to order at 8:36 am.

President Erbstoesser thanked the Board members and staff for facilitating today’s proceedings and read aloud 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).”

2. ROLL CALL AND REVIEW OF AGENDA

	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Present	X	X	X			X	X
Absent				X	X		

Other Board Staff Present during the Board Meeting:

	Justin Bohall, Executive Director	Lindsey Castro, Deputy Director	Barbara Prah-Wix, DO- Med. Cons.	Jeanne Galvin, Assistant AG	Christopher Andreyka, Licensing	Kellye Mykhailov, Operations Coord.	Irma Dominick, Licensing
Present	X	X	X	X	X	X	X
Absent							

3. CALL TO THE PUBLIC

A. President Erbstoesser made a call to the public. No one from the public requested to speak.

4. REVIEW, CONSIDERATION, AND APPROVAL OF MINUTES

A. August 19, 2023 Open Session

MOTION: Mr. Goodman motioned to approve August 19, 2023, Open Session minutes

SECOND: Vice-President Maitem

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

B. August 19, 2023 Executive Session

MOTION: Vice-President Maitem motioned for the Board to approve the August 19, 2023, Executive Session minutes.

SECOND: Mr. Goodman

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

5. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON CASE REVIEW

A. DO-21-0049A, Brian Prebil, DO

Dr. Prebil was not present during the Board's consideration of the matter and was not represented by legal counsel at the meeting.

Mr. Goodman recused himself from hearing this matter and was not present for the discussion of this case.

Dr. Prebil served as first assistant on the surgery for patient. At the conclusion of the surgery all sponges, needles and instruments were accounted for. The patient was later readmitted to the hospital and a foreign object, a wingnut from a retractor, was identified on a CT scan and removed. The Board noted that patient had an extensive medical history and abdominal adhesions and also noted that all protocols were followed.

Upon hearing the summary of the case review and provided materials, the Board made a motion to dismiss the case.

MOTION: President Erbstoesser motioned for the Board to dismiss the case

SECOND: Vice President Maitem

VOTE: 4-aye, 0-nay, 1-abstain, 0-recuse, 2-absent.

MOTION PASSED.

	Vote	Gary Erbsfoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	4	X	X	X			X	
Nay:	0							
Abstain/ Recuse:	1							X
Absent:	2				X	X		

Mr. Goodman rejoined the meeting at the conclusion of this matter.

B. DO-23-0078A, Marvin Pinzon, DO

Dr. Pinzon was not present during the Board’s consideration of this matter and was not represented by legal counsel at the meeting.

Board staff provided a summary of the case review. The Kentucky Medical Board reported that Dr. Pinzon failed to report a criminal history during the application process to obtain a Kentucky license. Dr. Pinzon did disclose the Kentucky discipline on his Arizona renewal application. Dr. Pinzon stated to the Arizona Board that credentialing company completed his license application for him and they filled out the application incorrectly.

Board members stated that it’s a physician’s responsibility to fill out their application and understand what is being asked of them. However, due to Kentucky already taking action about this matter the Board motioned for the case to be dismissed.

MOTION: Vice-President Maitem motioned for the Board to dismiss the case

SECOND: Mr. Burg

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Matiem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

6. COMPLIANCE REVIEW

Review, discussion, and action relating to the possible lifting of the interim suspension and offering a consent agreement with terms of probation or other remedies available to the Board.

A. DO-18-0155A & DO-19-0220A, Joseph Thompson, DO

Dr. Thompson and his attorneys, Lauren Weinzweig & Tim Nelson, were present for the virtual meeting. Board staff provided a summary of the case. Dr. Thompson and Mr. Nelson provided a statement to the Board requesting that Dr. Thompson's suspension be lifted due to Dr. Thompson maintaining his sobriety and engaging with his monitoring services.

MOTION: Vice-President Matiem motioned for the Board to move to Executive Session for personal and confidential information and legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Mr. Goodman

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Matiem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

The Board entered into Executive Session at 8:51 a.m.
 The Board returned to Open Session at 9:22 a.m.
 No legal action was taken by the Board during Executive Session.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to lift the Interim Suspension contingent on the signing of a new consent agreement.

MOTION: Vice-President Maitem motioned to lift the Interim Suspension.
SECOND: Mr. Goodman
VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

MOTION: Vice-President Maitem motioned to offer a new Consent Agreement for 4 years of probation. The Respondent may request early termination after successful completion of 24 months. Terms will include but not limited to a stayed automatic revocation of the license, a practice restriction, and continued monitoring to be delegated to the Executive Director for finalization.
SECOND: President Erbstoesser
VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.
MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Matiem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

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- 207

A. DO-23-0105A, Jonathan Gabriel, DO

Dr. Gabriel was present for the Board’s consideration of this matter.

Board staff provided a summary of the case. Staff received an application for Dr. Gabriel in April 2023 for a Post-graduate Training permit. Shortly after the permit was issued staff was informed by Dr. Gabriel’s program that Dr. Gabriel was on administrative leave due to providing misinformation on his application. Dr. Gabriel contacted Board staff and stated he had been arrested in 2009, 2013, and 2014. Board staff have confirmed the arrests and charges.

Dr. Gabriel stated that he takes full responsibility for his clerical documentation as he failed to closely read the application. Dr. Gabriel stated the situation has impacted his life and has learned his lesson and will be sure to take extra care moving forward.

MOTION: Vice-President Matiem motioned for the Board to move to Executive Session for personal and confidential information and legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: President Erbstoesser

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

The Board entered into Executive Session at 9:57 a.m.

The Board returned to Open Session at 10:18 a.m.

No legal action was taken by the Board during Executive Session.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to issue an unrestricted PGT permit and dismiss the case before the Board.

MOTION: Vice-President Maitem motioned to grant an unrestricted PGT permit and dismiss the case before the Board.

SECOND: Mr. Goodman

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

B. DO-23-0127A, Kevin Maddox, DO

Dr. Maddox was present during the Board's consideration of this matter.

Board staff provided a summary of the case. Staff received an application for licensure in November 2022. On the application Dr. Maddox answered no to having been arrested or charged with a conviction or felony. During the application process staff became aware that Dr. Maddox was arrested in 1997 in Kansas and had another arrest in 2004 in Oklahoma. Dr. Maddox informed Board staff he misinterpreted the application question. Board staff obtained information that the cases had been dismissed.

Dr. Maddox provided a summary of the arrests and stated that he didn't realize that there was still on his record and had completely forgotten about it since it was never an issue with other states.

MOTION: Vice-President Matiem motioned for the Board to move to Executive Session for personal and confidential information and legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. Shipon

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Matiem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

The Board entered into Executive Session at 10:30 a.m.
 The Board returned to Open Session at 10:35 a.m.
 No legal action was taken by the Board during Executive Session.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to issue an unrestricted license.

MOTION: Vice-President Matiem motioned to issue an unrestricted license.

SECOND: Dr. Shipon

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

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

The Board met with medical students to discuss topics and issues related to the practice of osteopathic medicine. No action was taken on this item.

9. REVIEW, DISCUSSION, AND ACTION ON THE FOLLOWING MISC ITEMS.

A. Board Meeting Calendar for 2024

MOTION: Vice-President Maitem motioned to approve the 2024 Board Meeting Calendar

SECOND: President Erbstoesser

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

10. REVIEW, CONSIDERATION, AND ACTION ON REPORTS FROM EXECUTIVE DIRECTOR.

A. Report from Board Members

The Board members had nothing to report and therefore proceeded with the Agenda as scheduled.

B. Executive Director Report

1. Financial Report
2. Current Events that Affect the Board
3. Licensing and Investigations Update
4. Report on Director Dismissed Complaints

Executive Director Bohall provided a verbal update for the Board.

11. Adjournment

MOTION: Vice-President Maitem motioned for the Board to adjourn.

SECOND: Mr. Goodman

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5	X	X	X			X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2				X	X		

The Board's meeting adjourned at 12:14pm.

Justin Bohall, Executive Director