



**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.  
Lew Riggs, Ed.D.  
Christopher Spiekerman, D.O.

**Executive Director**  
Jenna Jones

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

**Saturday, June 17, 2017**

**BOARD MEMBERS PRESENT:**

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

**BOARD MEMBERS ABSENT:**

Lew Riggs, Ed.D.  
Christopher Spiekerman, D.O.

**STAFF / OTHERS PRESENT:**

Jenna Jones, Executive Director  
Barbara Prah, D.O., Medical Consultant  
Rachel Shepherd, Investigations Manager  
Kathy Fowkes, Licensing Administrator  
Jeanne Galvin, Assistant Attorney General  
Cindy Bachman, CVR, Ottmar & Associates  
Lauren Kuhnhenh, RCR, Ottmar & Associates

**1. CALL TO ORDER**

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

**2. ROLL CALL AND REVIEW OF AGENDA**

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

**3. CALL TO THE PUBLIC**

- A. No students were in attendance.
- 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.

No public members addressed the Board.

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

- A. May 6, 2017 Open Session

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

**VOICE VOTE:** Motion carried unanimously.

- B. May 6, 2017 Executive Session

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

**VOICE VOTE:** Motion carried unanimously.

- C. May 15, 2017 Open Session

This item was continued due to lack of quorum.

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

- A. DO-16-0176A      Angela Marie DeRosa, DO      License No. 4223

Respondent was present with attorney Paul Giancola. The Respondent answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

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

**VOICE VOTE:** Motion carried unanimously.

- B. DO-16-0236A      Vinson Michael DiSanto, DO      License No. 005457

Respondent was not present. The Board reviewed the case and clarified that the Respondent reported the settlement to this Board on his renewal. After discussion and consideration, the Board determined there was no statutory violation.

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

**VOICE VOTE:** Motion carried unanimously.

**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. DO-16-0253A Erin Nicole Syers, DO License No. 007003

The Respondent was not present. The Complainants were present and answered the Board's questions. After discussion and consideration, the Board determined there was no statutory violation.

**MOTION:** Dr. Reiss moved to uphold the **Dismissal**. Dr. Maitem seconded.

**VOICE VOTE:** Motion carried unanimously.

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

A. DO-16-0119A Angela Marie DeRosa, DO License No. 4223

The Respondent was present with attorney Paul Giancola and was sworn in by the court reporter. The Medical Consultant reviewed the case. The complaint alleged treating a post-menopausal woman in a manner that risked harm to the patient. At the request of the Board, the Respondent stated her education and training. She stated the patient saw other providers in the practice after the first visit.

Dr. Reiss moved to enter Executive Session to obtain legal advice. Dr. Spiekerman seconded. The Board entered Executive Session at 8:53 a.m. and returned to Open Session at 9:08 a.m.

The Respondent answered the Board's questions. The Respondent agreed with the Board regarding some of the care this patient received. There should have been better follow up and recommendations to specialists and the TSH levels were mishandled. If the chart had been brought to her attention prior to the Board complaint, she would have ensured the providers were treating the patient appropriately. She stated her providers are independent, contract with insurance plans and bill under their own NPI numbers. Upon questioning, she described the type of training she gives the providers that work at her clinic.

Board directed staff to obtain copies of all training materials the Respondent uses to educate her providers in patient care and a list of all providers, past and present. Board also directed staff to complete a random chart sample of five (5) charts for each NP who has worked there; have the Investigator interview each NP regarding their training, etc. Board directed staff to obtain an outside review of the case by a board certified endocrinologist.

The Board continued the case until the above directives were completed and suggested a tentative date of November 2017 for the case to be continued.

The Board recessed for a short break at 9:59 a.m. and returned to Open Session at 10:08 a.m.

B. DO-16-0083A Roy Jay Watts, DO

License No. 2156

The Respondent was present with attorney Steven Myers and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint alleged prescribing controlled substances for family members and failure to respond to the complaint in a timely manner. A chart review was conducted in which few concerns were found. Based on the chart review, the Board felt, over-all, the Respondent practiced good medicine. However, the chart review was a contrast to how he prescribed and treated a family member, which was excessive. The Respondent attended the PACE prescribing course which appeared to be beneficial to the Respondent’s rehabilitation from the underlying conduct.

**MOTION:** Mr. Landau moved for **two (2) Letters of Concern**, one for prescribing controlled substances to a family member and the other for failure to respond timely to the Board. In addition, to issue a non-disciplinary order to obtain ten (10) hours of non-disciplinary Continuing Medical Education in the area of psychopharmacology, to be pre-approved by the Executive Director, and to be completed by Dec 1, 2017. Dr. Maitem seconded.

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

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	5	X	X	X	X		X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2					X		X

C. DO-16-0146A Bernadette Rose Rosenberg, DO

License No. 4749

The Respondent was present with attorney David Klink and was sworn in by the court reporter. At the request of the Board, the Respondent stated her education and training. Mr. Landau disclosed that he was acquainted with individuals involved in the case but that this would not prevent his objective hearing of the case. Mr. Klink had no objection. The Medical Consultant reviewed the case. The complaint alleged boundary issues. Mr. Klink provided a statement. The Respondent answered the Board’s questions. After discussion and consideration, the Board determined there was no statutory violation.

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

**ROLL CALL VOTE:** The motion carried 4-1.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	4	X	X		X		X	
NO	1			X				
ABSTAIN/RECUSE	0							
ABSENT	2					X		X

D. DO-16-0231A Richard James Solyn, DO License No. 3345

The Respondent was present with attorney Stephen Yost and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant reviewed the case. The complaint alleged a surgical procedure was performed for which the patient did not give consent.

The Respondent answered the Board’s questions. The Respondent stated the patient had been provided with literature on the procedure at an office appointment, and requested to have the procedure prior to being medicated during prep for other scheduled procedures. The Respondent reportedly went over the risks and benefits with the patient at that moment and the patient consented. The Respondent directed staff to amend the consent, but staff failed to follow through. The time-out procedure demonstrated all providers in the room were in agreement that the procedure was consented and was going to be performed. The post-procedure report also indicated that this procedure was performed.

**MOTION:** Dr. Erbstoesser moved for **Dismissal**. Dr. Maitem seconded.

**ROLL CALL VOTE:** The motion carried 4-1.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	4		X	X	X		X	
NO	1	X						
ABSTAIN/RECUSE	0							
ABSENT	2					X		X

E. DO-17-0006A Andrew Wesley Parker, DO License No. 3341

The Respondent was present with attorney Steve Perlmutter, JD, MD 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 case. The complaint resulted from a self-reported DUI on renewal of license. The Respondent answered the Board’s questions and documentation demonstrated he was in compliance with court-ordered requirements.

**MOTION:** Dr. Cunningham moved for **Dismissal**. Dr. Reiss seconded.  
**VOICE VOTE:** The motion carried unanimously.

The Board recessed for lunch at 12:15 p.m. and returned to Open Session at 12:55 p.m.

**8. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855(E). (AFTER 1:00 P.M.)**

F. DO-16-0170A          Ronald Joseph Bitza, DO          License No. 1370

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 Medical Consultant reviewed the case. The complaint alleged Respondent was having an intimate relationship with a patient. The Respondent answered the Board’s questions. The Board expressed concern regarding the Respondent’s prescribing practices, failure to provide the complete medical records, his relationship with a patient, and his overall judgment. The Respondent stated the woman had not been a patient for “nine to 10 months”. However, the medical record indicates the last prescription for this patient which Respondent wrote was on December 8, 2015 and the relationship started in March of 2016. There were questions as to how the prescriptions were written post-dated.

Mr. Landau moved to enter Executive Session to obtain legal advice. Dr. Cunningham seconded. The Board entered Executive Session at 1:43 p.m. and returned to Open Session at 1:51 p.m.

**MOTION:** Mr. Landau moved for an **Interim Order** for prescribing restriction and evaluation under the following terms:

1. Respondent to provide all medical records to the Board by July 1, 2017.
2. Respondent shall be prohibited from prescribing Schedule 2, 3 and 4 drugs and psychotropic drugs.
3. Respondent shall obtain evaluation by a psychiatrist approved by the Executive Director by September 1, 2017.
4. Respondent shall undergo PACE/CPEP evaluation in proficiency in family practice completed by December 1, 2017.

Dr. Maitem seconded.

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

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	5	X	X	X	X		X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2					X		X

G. DO-17-0066A Kevin Michael McKeown, DO

License No. 005863

The Respondent was present with attorney Robert Milligan 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 case. The case was opened after Respondent reported self-prescribing of a controlled substance and prescribing a controlled substance for a family member. The Respondent answered the Board’s questions.

Mr. Landau moved to enter Executive Session to review records and receive testimony regarding records which are confidential by statute. Dr. Maitem seconded. The Board entered Executive Session with Respondent and his attorney at 2:08 p.m. and returned to Open Session at 2:23 p.m.

**MOTION:** Dr. Cunningham moved for an **Interim Order** as discussed in Executive Session. Dr. Maitem seconded.

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

The Board directed Respondent to notify the Board before changing employment or practice locations. The Board directed the Respondent to get a fitness to practice recommendation from his current psychiatrist as soon as possible for a possible early July meeting.

Before adjournment of the meeting, the Board directed staff to open a complaint against Brooke Blumetti, D.O.

H. DO-17-0008A Kevin Frank Brown, DO

License No. 4550

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 case. The complaint was the result of a Yes answer on his renewal regarding a domestic violence charge. The Respondent answered the Board’s questions. After discussion and consideration, the Board found no violation of the practice act.

**MOTION:** Mr. Landau moved for **Dismissal**. Maitem seconded.

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

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	5	X	X	X	X		X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2					X		X

**9. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARING PURSUANT TO REHEARING GRANTED ON MAY 6, 2017.**

A. DO-15-0266A                      David Dean Minor, DO                      License No. 2321

This case was continued.

**10. 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. DO-16-0055A                      Victor Kissil, DO                      License No. 3735

The Respondent was present. The Executive Director reviewed the terms of the Board Order and the status of compliance. The Respondent did not sign the amended Consent Agreement as requested by the Executive Director. Respondent was also requesting the Board to accept the ten hours of OB/GYN CME completed in April 2017 as meeting the Board's requirement for IUGR. The Respondent agreed to sign the Consent Agreement. He has started an EMR system. He wanted to complete the remaining CME via the internet. The Board told him to find an in-person course.

**MOTION:** Dr. Cunningham moved to accept the April 2017 OB/GYN conference CME for the 10 hours of IUGR CME previously ordered by the Board. Mr. Landau seconded.

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

**11. 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-17-0121A                      Franklyn Robert Gergits                      License No. N/A

The Respondent was present with attorney Steven Myers. The Executive Director reviewed the license application. The Respondent answered questions regarding a settlement in 2003.

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

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

B. DO-17-0091A                      Lisa Ann Tomsak                      License No. N/A

The Respondent was present. The Executive Director reviewed the license application. The Respondent answered the Board's questions regarding a DUI seven years ago. All terms were met and the record was expunged. There have been no further incidents.

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

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



- C. DO-17-0080A                      Darin Dale Ott                                      License No. N/A

This case was continued.

- D. DO-17-0123A                      Susan Elaine Duke                                      License No. N/A

The Respondent was present. The Executive Director reviewed the license application. The Respondent answered the Board's questions regarding two settlements from 2006 and 2015.

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

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

- E. DO-17-0122A                      Charles Paul Smoot                                      License No. N/A

The Respondent was present with attorney Jessica Miller. The Executive Director reviewed the postgraduate training permit. The Respondent answered the Board's questions regarding a conviction of DUI and marijuana use over 20 years ago. However, he did not disclose the conviction on his postgraduate permit application or renewals. The Respondent stated the language on the initial postgraduate training permit application led him to believe he did not need to answer Yes and did not realize the language had changed on subsequent renewals. The Board advised that it is always best to fully disclose all matters regarding misdemeanor or criminal charges regardless of the outcome.

**MOTION:** Mr. Landau moved to approve the license application. Dr. Cunningham seconded.

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

- F. DO-17-0138A                      Kingwai Lui    License No. N/A

The Respondent was present. The Executive Director reviewed the postgraduate training permit application. The Respondent answered the Board's questions regarding the remediation plan on which he was placed as a result of a misunderstanding during moonlighting and reported it has been completed and resolved.

**MOTION:** Dr. Cunningham moved to approve the permit application. Dr. Maitem seconded.

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

- G. DO-17-0141A                      Sarah Faithe Ehlers                                      License No. N/A

The Respondent was present. The Executive Director reviewed the postgraduate training permit application. The Respondent answered the Board's questions regarding a DUI two years ago. After reviewing the evidence and testimony, the Board felt there was likelihood the Respondent had been drugged. The Respondent stated she no longer accepts drinks from strangers.

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

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

- H. DO-17-0142A                      Devin Hon    License No. N/A

The Respondent was present. The Executive Director reviewed the PGT Permit application.

Mr. Landau moved to enter Executive Session to review records and receive testimony regarding records which are confidential by statute. Dr. Cunningham seconded. The Board entered Executive Session with Respondent at 12:01 p.m. and returned to Open Session at 12:09 p.m.

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

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

- I. DO-17-0137A                      Nicholas Adam Baumler                      License No. N/A

The Respondent was present by phone. The Executive Director reviewed the license application. The Respondent answered the Board’s questions regarding a DUI seventeen years ago.

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

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

**12. REVIEW, DISCUSS AND TAKE ACTION REGARDING PROPOSED CONSENT AGREEMENT FOR SURRENDER OF LICENSE**

- A. DO-17-0056A                      Charles A Knouse, DO                      License No. 4079

Dr. Knouse surrendered his DEA registration in Tucson, Arizona due to over-prescribing, failure to maintain medical records, and practicing medicine in an unfit environment. He did not renew his license so it was in a Suspended-E status in order for the Board to adjudicate the complaint. Dr. Knouse sent a copy of the signed Consent Agreement to Surrender the License.

**MOTION:** Mr. Landau moved to accept the Consent Agreement for Surrender of License. Dr. Cunningham seconded.

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

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitem	Dr. Spiekerman
YES	5	X	X	X	X		X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	2					X		X

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

No students were in attendance.

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

A. Report on ED Dismissed Complaints

Ms. Jones advised there were 13 cases which were ED dismissed from May 2, 2017 to June 7, 2017. A total of 36 cases resolved during that same time period. She presented the statutorily required information in her written report.

B. President and Board Member Reports

Mr. Landau informed the Board that the Federation of State Medical Boards (FSMB) will be holding a conference in New York on July 12-15, 2017.

Mr. Landau also informed the Board that the Interstate Medical Licensure Compact Commission (IMLCC) meeting will be held in November in Phoenix and FSMB is scheduled to visit the Osteopathic Board in November also.

C. Executive Director Report

1. Financial Report

Mr. Jones provided a report to the Board as required by Statute.

2. Summary of current events that affect the Board

a. Upcoming move to 1740 W. Adams, Phoenix

Ms. Jones attended a meeting yesterday at which Executive Directors were informed that the move is planned for the first week of January. The Board rooms will be available in January but it will likely to be too chaotic with the move to also be ready for a meeting. The Board suggested scheduling a January meeting tentatively, with the option of changing it if it becomes necessary.

b. Use of 411 and email system vs. personal email

After investigation by the IT department, it appears some Board members' servers are blocking attachments from staff. The current work around is using the BDI secure email. However, IT recommends Board members use the Outlook emails provided by the Board to prevent further issues. IT has also informed staff that the State is mandating all agencies switch to Office 365.

3. Legislative Update

a. HB2073 - Waiver of fees

During a meeting for all Executive Directors of 90/10 agencies, there was discussion regarding this bill. The language in the bill is problematic and Executive Directors are confused as to how to interpret the requirements. Applicants within 200% of the federal poverty level will qualify for a fee waiver, but how to document qualified applicants is not addressed in the bill, which goes into effect August 10, 2017. A request for clarification has been made.

b. Temporary Licensure

A new, temporary license application will be made available on the Board's website for the July 1, 2017 effective date of this new law.

D. Board may review, discuss and take action on request to change to Retired Status

1. Joseph Audette, II, DO, License No. 006564
2. Michael Seip, DO, License No. 2048

The Board considered these requests together. Ms. Jones reported that Dr. Audette and Dr. Seip met the qualifications for Retired Status.

**MOTION:** Dr. Reiss moved to grant the requests for Retired Status. Dr. Cunningham seconded.

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

E. The Board may review, discuss and take action on information submitted to the Governor's office for Regulation Rollback regarding CME and the AOA Category 1A requirements

Pete Wertheim, Executive Director, Arizona Osteopathic Medical Association (AOMA), presented information to the Board regarding comments received from the Governor's Regulation Rollback website. The comments suggested ending the AOA Category 1-A CME requirement for DO physicians. Mr. Wertheim stated all postgraduate training programs accredited by AOA will be accredited by ACGME by 2020, and that the American Osteopathic Association (AOA) is already slated to eliminate the 1A requirement by 2019 for their certified physicians. He stated that AOMA is currently seeking ACCME accreditation for the CME conferences they hold and asked that the Board make changes to the 1A requirement gradually to prevent disruption.

The Board discussed holding a hearing to obtain input on the AOA category 1-A requirement from the public, to be scheduled for a future date.

F. Board may review, discuss, and take action on letter from Aaron Love, DO regarding his current status.

The Board briefly discussed the letter and took no action.

G. The Board may review, discuss and take action on Executive Order 2017-03

This order required Board staff to compare the Board's license requirement fees to all 50 states. Ms. Jones presented her report to the Board and the Board discussed it. According to the report, most license, permit and registration fees are below the national average.

**MOTION:** Mr. Landau moved to approve the report. Dr. Cunningham seconded.

**VOICE VOTE:** Motion carried unanimously.

H. Board may review, discuss and provide direction to staff regarding handling of complaint(s) regarding Jack Wolfson, D.O.

Ms. Jones informed the Board that staff is still receiving complaints regarding Dr. Wolfson’s opinions as published on his blog. These complaints are often anonymous and do not include patient name(s). Previously a case, which included many complaints of this nature, was brought before the Board and it was decided that Dr. Wolfson was within his First Amendment right of free speech and the case was dismissed.

The Board reviewed and discussed whether or not to open one of these recent complaints.

**MOTION:** Dr. Cunningham moved to administratively close this complaint and other complaints like it. Mr. Landau seconded.

**ROLL CALL VOTE:** The motion failed 1-4.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Reiss	Mr. Riggs	Dr. Maitern	Dr. Spiekerman
YES	1	X						
NO	4		X	X	X		X	
ABSTAIN/RECUSE	0							
ABSENT	2					X		X

Board directed staff to open the complaint and to bring others before the Board for individual consideration.

- I. Board may review, discuss and take action on the Executive Order 2017-04

This Order was issued in conjunction with the State of Emergency Governor Ducey declared on June 5, 2017 due to the opioid overdose epidemic. For sixty days, beginning June 15, 2017, physicians are required to report suspected opioid overdoses or deaths, naloxone doses administered in response to either condition, naloxone doses dispensed, and neonatal abstinence syndrome. Ms. Galvin reported the Pharmacy board is adjusting the CSPMP for doctors to note these types of occurrences.

- J. Board may review, discuss and consider adding additional Board meetings during July and August

The Board discussed possible dates for an additional meeting in August. Staff was directed to consider possible meeting dates of August 5<sup>th</sup> or August 19<sup>th</sup>.

- K. Board may review, discuss and take action regarding Interstate Medical Licensure Compact Commission (IMLCC) minutes and draft minutes on azdo.gov website

Mr. Landau reported that IMLCC sends out draft minutes with a note requesting Boards to publish them on the website. The Board was concerned about posting minutes which were not final or official. Ms. Jones suggested checking the Compact language and see if a directive regarding posting of minutes exists. Assuming there is a directive in the Compact, the Board questioned if it applied to draft minutes or just the final minutes. The Board’s consensus was to post only final minutes unless the Compact explicitly states otherwise.

- 15. Adjournment

The meeting adjourned at 4:05 p.m.