



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 Erbstoesser, D.O.
Jonathan Maitem, D.O.
Lew Riggs, Ed.D.
Martin Reiss, D.O.
Christopher Spiekerman, D.O.

Executive Director
Jenna Jones

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

Thursday, July 6, 2017

BOARD MEMBERS PRESENT: President, Douglas Cunningham, D.O.
Vice President, Jerry G. Landau, D.O.
Jonathan Maitem, D.O.
Martin Reiss, D.O.
Gary Erbstoesser, D.O.
Lew Riggs, Ed. D.

BOARD MEMBERS ABSENT: Christopher Spiekerman, D.O.

STAFF / OTHERS PRESENT: Jenna Jones, Executive Director
Jeanne Galvin, AAG
Michael Raines, AAG
Rachel Shepherd, Investigations Manager

1. CALL TO ORDER

Dr. Cunningham called the meeting to order at 6:08 p.m.

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the roll. Six Board members were present telephonically, establishing quorum for the meeting. The Executive Director reviewed the agenda.

3. CALL TO THE PUBLIC

No one requested to speak.

4. REVIEW, DISCUSS AND APPROVAL OF MINUTES

A. June 17, 2017 Open Session

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

VOICE VOTE: Motion carried unanimously.

B. June 17, 2017 Executive Session

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

VOICE VOTE: Motion carried unanimously.

Mr. Paul Giancola was present on behalf of Dr. DeRosa. Ms. Jones provided a short overview of the matter and the Consent Agreement that had been proposed by Mr. Giancola on behalf of Dr. DeRosa. Both cases were heard together. Mr. Giancola made statements and answered questions from the Board.

After discussion and consideration, Dr. Cunningham advised he was in agreement with a Censure for Case number DO-16-0119A but he would also like to see a Civil Penalty of \$500. Mr. Landau advised he would consider with a \$1,000 Civil Penalty. After further discussion, it was suggested that if Dr. DeRosa would sign a Consent Agreement for a Censure with a \$1,000 Civil Penalty on Case number DO-16-0119, the Board would administratively close DO-17-0147A.

Mr. Landau moved to offer a Consent Agreement for a Censure and \$1,000 Civil Penalty on case DO-16-119A and if it was signed and paid prior to September 1, 2017, case DO-17-0147A would be administratively closed. Dr. Erbstoesser seconded.

ROLL CALL: Motion carried unanimously.

8. BOARD MAY REVIEW, DISCUSS AND TAKE ACTION TO AMEND PRIOR MOTION REGARDING CASE NO. DO-16-0170A.

A. Ronald Bitza, DO License #1370

Ms. Jones provided a brief overview and that although the Board could require that Dr. Bitza undergo various evaluations, as discussed at the last meeting, Dr. Bitza would need to enter into a Consent Agreement for the Board to issue a prescribing restriction in an interim order. She has tried to contact Dr. Bitza but due to the holidays and his office being closed, she has not had a chance to speak with him.

Mr. Landau moved to amend the Board's previous motion and require Dr. Bitza to undergo the psychiatric and practice assessment by September 1 and October 1, respectively, if Dr. Bitza is unwilling to sign a Consent Agreement wherein he agrees to restrict his prescribing of controlled substances as discussed at the June 17, 2017 meeting.

Dr. Cunningham seconded the motion.

ROLL CALL: Motion carried unanimously.

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

A. Board may review, discuss and take action on approval of rules change regarding the addition of a fee for a temporary license.

Ms. Jones presented a proposal to open a rules package to add a temporary license fee of \$200. She has received approval from the Governor's office regarding an exemption to the current rules moratorium.

Mr. Landau moved to approve a \$200 temporary licensure fee. Dr. Cunningham seconded.

VOICE VOTE: Motion carried unanimously.

10. ADJOURNMENT

The meeting adjourned at 7:25 p.m.