



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

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

**Saturday, November 18, 2017**

**BOARD MEMBERS PRESENT:**

Douglas Cunningham, D.O. President  
Jerry G. Landau, J.D., Vice-President  
Gary A. Erbstoesser, DO  
Jonathan A. Maitem, D.O.  
Martin Reiss, D.O.  
Lew Riggs, Ed.D.  
Christopher Spiekerman, D.O. (after 1:08 p.m.)

**BOARD MEMBERS ABSENT:**

Christopher Spiekerman, D.O. (before 1:08 p.m.)

**STAFF / OTHERS PRESENT:**

Jenna Jones, Executive Director  
Rachel Shepherd, Investigations Manager  
Barbara Prah, D.O., Medical Consultant  
John O'Hair-Schattenberg, Investigator  
Kathy Fowkes, Licensing Administrator  
Jeanne Galvin, Assistant Attorney General  
Deborah Mitchell, CVR, Ottmar & Associates (a.m.)  
Lauren Kuhnhenh, RPR, Ottmar & Associates (p.m.)

**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. Six (6) board members were present, establishing quorum for the meeting. The Executive Director reviewed the agenda.

**3. CALL TO THE PUBLIC**

- 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. 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.

A complainant spoke at call to the public relating to Dr. Izenberg and Case No. DO-16-0133A. He stated that when he visited his nephew's apartment after his nephew's death from an overdose, he found prescriptions with Dr. David Izenberg's name as the prescriber for six scheduled drugs including opioids. The Complainant provided copies of the prescriptions for the Board.

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

A. October 14, 2017 Open Session

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

**VOICE VOTE:** Motion carried unanimously with Dr. Erbstoesser recused and Dr. Spiekerman absent.

B. October 14, 2017 Executive Session

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

**VOICE VOTE:** Motion carried unanimously with Dr. Erbstoesser recused and Dr. Spiekerman absent.

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

Case Reviews

A. Jocelyn Verdugo, DO Case No. DO-17-0129A License No. 007304

The Respondent was not present. The Board discussed the case. The Board directed staff to obtain a personal response from the Respondent.

B. Murray Cohen, DO Case No. DO-17-0094A License No. 0558

The Respondent was not present. The Board discussed the case. After discussion and consideration, the Board determined there was no statutory violation.

**MOTION:** Dr. Erbstoesser moved for Dismissal. Mr. Riggs seconded.

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

C. Christopher Oros, DO Case No. DO-17-0012A License No. 005369

The Respondent was not present. The Board discussed the case. After discussion and consideration, the Board determined there was no statutory violation.

**MOTION:** Mr. Landau moved to Investigative Hearing. Dr. Cunningham seconded.

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

The Board directed staff to refer this case to the Nursing Board.

D. Will Jeffers, DO Case No. DO-17-0132A License No. 3307

The Respondent was not present. The Board discussed the case. The complaint included a request for reimbursement of fees paid to the doctor. The Board acknowledged that the practice was in bankruptcy being handled by a Civil Court and all assets were frozen. Even if they ordered reimbursement, it wouldn't be possible for the Respondent to fulfill the order.

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

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

E. Kenneth Locke, DO Case No. DO-17-0104A License No. 3072

The Respondent was not present. The complaint involved a 34 year old female who passed away after visiting the ER three times. The Board discussed the case.

**MOTION:** Dr. Maitem moved for an **Investigative Hearing**. Dr. Erbstoesser seconded.

**VOICE VOTE:** The 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. Brian Rizzo, DO Case No. DO-17-0081A License No. 3597

The Respondent and Complainant were not present.

**MOTION:** Mr. Riggs moved to uphold the Executive Director Dismissal. Dr. Maitem seconded.

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

B. Jay Schwartz, DO Case No. DO-17-0158A License No. 3208

The Complainant was present and gave a statement regarding the trauma and difficulty of her failed cataract surgery. The Board expressed compassion and the bad outcome but acknowledged that Dr. Schwartz' staff communication could have been better. However, the staff issues would not have changed the surgery outcome.

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

**VOICE VOTE:** The motion carried 5-1, with Mr. Landau voting nay.

C. Brian Marks, DO Case No. DO-17-0062A License No. 2964

**MOTION:** Mr. Landau moved to uphold the Executive Director Dismissal. Dr. Maitem seconded.

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

The Board recessed for a short break at 9:50 a.m. and returned to Open Session at 9:55 a.m.

7. **REVIEW, DISCUSSION AND ACTION ON REQUEST FOR REVIEW OR REHEARING. BOARD MAY ALSO REVIEW, CONSIDER AND TAKE ACTION IF REVIEW OF DISCIPLINARY ACTION IS GRANTED.**

A. Kevin McKeown, DO Case No. DO-17-0066A License No. 005863

The Respondent was present with attorney Steven Myers who was substituting for Mr. Milligan. The Executive Director reviewed the status of the case. The Respondent requested a reconsideration of the recent Board Order of Suspension with the opportunity to request for termination be earlier than six months because he will not be able to sit for his Specialty certification exams if his license remains suspended at the time of the exam in May 2018. He will lose eligibility for Board certification.

Dr. Maitem moved to enter Executive Session to obtain legal advice. Dr. Spiekerman seconded. The Board entered Executive Session at 1:16 p.m. and returned to Open Session at 1:25 p.m.

**MOTION:** Dr. Reiss moved to grant the request for rehearing. Dr. Erbstoesser seconded.

**ROLL CALL VOTE:** The motion carried 6-1.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X		X	X	X	X
NO	1			X				
ABSTAIN/RECUSE	0							
ABSENT	0							

The Board discussed the Respondent's and Mr. Myers' request for opportunity to request early termination.

**MOTION:** Dr. Spiekerman moved to grant the opportunity to request early termination of suspension at the March 2018 meeting. Dr. Reiss seconded.

**ROLL CALL VOTE:** The motion carried 7-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	7	X	X	X	X	X	X	X
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	0							

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

A. Valerie Gilreath, DO Case No. DO-16-0264A License No. 006322

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 which was opened after receiving notice of a medical malpractice settlement.

The Board was concerned that the Respondent did not recognize signs of pulmonary embolism.

Dr. Erbstoesser moved to enter Executive Session to obtain legal advice. Dr. Maitem seconded. The Board entered Executive Session at 10:25 a.m. and returned to Open Session at 10:31 a.m.

**MOTION:** Dr. Erbstoesser moved for non-disciplinary **Letter of Concern** for failure to not recognize symptoms of DVT which resulted in a pulmonary embolism and **10 hours non-disciplinary Continuing Medical Education** for education in Cardiology including recognizing Pulmonary Embolism and DVT to be completed in six (6) months and be pre-approved by the Executive Director. Dr. Maitem seconded.

The Board discussed the case. Mr. Landau stated this rises to the level of disciplinary action and believed a decree of censure was in order. He expressed concern that the Respondent did the minimum care with this patient which ultimately led to the pulmonary embolism and the patient's death.

**ROLL CALL VOTE:** The motion carried 4-2.

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

B. Ayad Agha, DO Case No. DO-16-0108A License No. 4341

This case was continued.

C. Charles Welly, DO Case No. DO-17-0088A License No. 2248

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 and chart review. The complaint alleged overprescribing of opioids.

**MOTION:** Mr. Landau moved for a **Letter of Concern** for failure to recognize and react to inconsistent drug screens, potential drug diversion behavior and for failure to document; and for **15 hours of non-disciplinary Continuing Medical Education** in the areas of opioid prescribing (10 hours) and medical records documentation (5 hours) to be completed within six months and pre-approved by the Executive Director. Dr. Erbstoesser seconded.

**ROLL CALL VOTE:** The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1							X

D. David Izenberg, DO Case No. DO-17-0148A License No. 2253

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 overprescribing, which, along with other prescribers, resulted in the death of the patient. Mr. Myers made a statement to the Board, including that Respondent's DEA registration has been surrendered. Dr. Izenberg read a statement including that he is no longer treating pain patients. The Board expressed concern that the Respondent was only prescribing medications and that his treatment plans and documentation were inadequate.

The complainants were present and were sworn in by the court reporter. The patient's father made statements and answered the Board's questions. The father and uncle testified that in visiting the patient's apartment, they found many prescription drugs with the Respondent's name as the prescriber.

The Respondent's patient, J.E., was sworn in by the court reporter and stated that the Respondent has been his and his wife's physician for twenty-four years and is the finest physician they've ever seen.

Another patient, F.J.F., was sworn in by the court reporter, twenty years as a patient, and in all that time he and his family have found nothing but the best of care. He stated the Respondent detected that F.J.F. had a heart issue and had a triple bypass as a result. Because of his care, F.J.F. feels he did not have to suffer a heart attack.

Another patient, P.A.F., was sworn in by the court reporter, stated that she has been Respondent's patient for nineteen years and is diabetic. She stated that the Respondent has provided excellent care and has been extremely careful and diligent about her health and encouraged her take care of herself.

Another patient, O.L., a patient of Respondent's for two years, stated that the Respondent referred her for pain management and her son to the proper specialist.

Another patient, K.K., has been the Respondent's patient for twenty years. The Respondent has been treating her pain and has increased her dosage once.

Another patient, S.S., was sworn in by the court reporter. She stated she has been seeing the Respondent for twenty-two years. She stated she had a back injury and was on a low-dose pain medication but medications and dosage increased over time as her back got worse. She was able to get off all her medications due to the Respondent's referral to the appropriate specialist.

Dr. Reiss moved to enter Executive Session to obtain legal advice. Dr. Cunningham seconded. The Board entered Executive Session at 11:40 a.m. and returned to Open Session at 11: 52 a.m.

**MOTION:** Mr. Landau moved for a finding of **Unprofessional Conduct** for violation of A.R.S. § 32-1854(6), (21), (36), (38) and (48) by prescribing medications without establishing and maintaining medical records, failing to treat pain patients according to the accepted standard of care in the community in that before prescribing drugs there needs to be a complete physical exam, drug screens at proper intervals, pharmacy audits should be sought and documented, diagnostic studies ordered and followed up, opioids need to be prescribed with caution and only after examination and diagnosis. Further, in this particular case, there was no exam on initial visit, no documentation of injured area, no urine drug screens except for a single inconsistent result, diagnostic testing was lacking, there was no controlled substances agreement, failure to have significant concern about potential diversion and excuses, and prescribing opioids and benzodiazepines without an appropriate diagnosis. Dr. Maitem seconded.

**ROLL CALL VOTE:** The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1							X

**MOTION:** Mr. Landau moved to issue an **Order for Suspension** of Respondent's license for one year, but to **Stay the Suspension** pending Respondent's completion of a Board-approved evaluation of his medical knowledge and opioid prescribing by an organization such as PACE or CPEP by February 28, 2018. While the Suspension stayed, the current **Consent Agreement** in case DO-16-0133 will be continued uninterrupted. If the evaluation is not completed by the deadline, the Stay will be lifted and the Respondent's license will be suspended. Dr. Maitem seconded.

**ROLL CALL VOTE:** The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1							X

E. Molly Finley, DO Case No. DO-17-0101A License No. 4457

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 Investigator reviewed the case. The complaint was the result of a National Practitioner Data Bank report that her privileges were revoked for making a false statement on her application for privileges at Dignity Health, St. Joseph’s Hospital and Medical Center. The Respondent stated it was a careless but unintentional mistake to answer “no” to the question of having a misdemeanor.

**MOTION:** Dr. Cunningham moved for a **Letter of Concern** for failing to disclose a misdemeanor on her hospital privileges application. Mr. Landau seconded.

**ROLL CALL VOTE:** The motion carried 6-0.

	Vote	Dr. Cunningham	Dr. Erbstoesser	Mr. Landau	Dr. Maitem	Dr. Reiss	Mr. Riggs	Dr. Spiekerman
YES	6	X	X	X	X	X	X	
NO	0							
ABSTAIN/RECUSE	0							
ABSENT	1							X

Dr. Cunningham moved to enter Executive Session to review records and receive testimony regarding records which are confidential by statute. Mr. Landau seconded. The Board entered Executive Session with Respondent at 12:20 p.m. and returned to Open Session at 12:22 p.m.

The Board recessed for Lunch at 12:22 p.m. and returned to Open Session at 1:05 p.m.

Dr. Spiekerman arrived during the lunch break.

**9. REVIEW, DISCUSSION AND ACTION ON INVESTIGATIVE HEARINGS PURSUANT TO A.R.S. § 32-1855 (E). Agenda items in this section are scheduled to be called after 1:00 p.m. All other agenda items may be called at any time during the meeting.**

A. Chetan Patel, DO Case No. DO-17-0184A License No. 4214

The Respondent was present with attorney Steven Myers and was sworn in by the court reporter. The Respondent has been under Suspension of license since July 24, 2017. The Medical Consultant reviewed the case. The complaint alleged diversion of patient medications and under-medication patients. Mr. Myers addressed the Board. At the request of the Board, the Respondent stated his education and training and provided a status report regarding his

drug addiction and rehabilitation. He stated he did not under-medicate his patients but did divert medications that were left over.

Dr. Cunningham moved to enter Executive Session to review records and receive testimony regarding records which are confidential by statute. Mr. Landau seconded. The Board entered Executive Session with Respondent and his attorney at 1:56 p.m. and returned to Open Session at 2:17 p.m.

Board directed staff to draft a **Consent Agreement for a 5-year Probation** to include return to practice for no more than 20 hours a week, be under the care of a psychiatrist and psychotherapist as recommended, and other standard terms for monitoring including random drug testing. The Board will review and consider the Consent Agreement at a future meeting.

B. Michael Freeman, DO Case No. DO-17-0004A License No. 4683

The Respondent was present by telephone and was sworn in by the court reporter. His attorney, Steven Myers, was present at the Board meeting. The Investigator reviewed the case. The complaint was the result of a Yes answer on his license renewal. The Yes answer involved an arrest for DUI, which was reduced to reckless driving. Mr. Myers addressed the Board.

**MOTION:** Mr. Landau moved for a **non-disciplinary Letter of Concern** for being in the seat of a vehicle while impaired, even though the vehicle was not on the road, and for failing to report the arrest. Dr. Spiekerman seconded.

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

C. Ronald Bitza, DO Case No. DO-16-0170A License No. 1370

This case was continued.

D. Christina Goldstein-Charbonneau, DO Case No. DO-17-0021A License No. 3675

The Respondent was present by telephone and was sworn in by the court reporter. Her attorney Rick Delo was present at the Meeting. The Medical Consultant reviewed the case. The complaint alleged the Respondent dispensed medications in bulk, did not keep them properly secured, and allowed staff to use them without a prescription. At the request of the Board, the Respondent stated her education and training. Mr. Delo addressed the Board regarding Dr. Charbonneau's continuing medical education and efforts to educate herself in better prescribing practices. Dr. Charbonneau addressed the Board. She stated, regarding the patient who complained of pelvic pain, the patient had had refused a pelvic exam and had been referred to a gynecologist or an urgent care, and that the "prescribed hormonal therapy" was over-the-counter medicine for hot flashes.

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

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

E. Christina Goldstein-Charbonneau, DO Case No. DO-17-0025A License No. 3675

The Respondent was present by telephone and remained sworn in by the court reporter. Her attorney Rick Delo remained at the meeting. The Medical Consultant reviewed the case. The electronic record template for this patient was for a female, not a male, although the patient was male.

The Complainant was present and addressed the Board. Due to neuropathy in his feet, Dr. Borchers suggested the complainant bring in a handicapped license plate or placard form from the DMV for her to sign. He turned this form in to the office staff before his next appointment. After his appointment with Dr. Borchers, Joyce Michie, Office Manager, told him he had to see a Podiatrist, that it was required by statute, and that he would be committing fraud if he didn't go. The Complainant later learned that Ms. Michie sent letters to various state agencies stating he was committing fraud, including the head of ADOT. The Complainant read out loud the instructions on the ADOT form. It



lists several types of providers who are authorized to complete the form, including osteopathic physicians. Ms. Michie is not a licensed physician.

**MOTION:** Mr. Landau moved for a **Letter of Concern** for failure to supervise staff. Dr. Erbstoesser seconded.

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

The Board directed staff to refer this case to the State Bar for review of Ms. Michie's conduct in this case.

F. Teresa Borchers, DO Case No. DO-17-0025B License No. 3681

The Respondent was present with attorney T'Shura-Ann Elias and was sworn in by the court reporter. The Medical Consultant reviewed one further matter of the case, in that negative comments written by the staff of the practice regarding Dr. Borchers were included in several patients' medical records. Ms. Elias stated that Ms. Michie and other staff were frequently allowed to interfere with Dr. Borchers' care of patients. This case was indicative of this behavior in that the ADOT form should have been delivered to her by staff, and was not. Dr. Borchers left the practice shortly after this day and did not know of Ms. Michie's reports of fraud.

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

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

**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. David Izenberg, DO Case No. DO-16-0133A License No. 2253

The Respondent was present with attorney Steven Myers. The Executive Director reported that the Respondent requested an extension of time to complete the evaluation mandated in the Interim Order.

**MOTION:** Mr. Landau moved to grant the Respondent an extension to February 28, 2018 to complete the evaluation. Dr. Maitem seconded.

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

B. Ali Rajaei-Tehrani, DO Case No. DO-15-0069A License No. 4383

The Respondent was present with attorney Steven Myers. The Respondent requested an increase in work hours.

**MOTION:** Dr. Reiss moved to amend the Final Order to increase the hours allowed to work to a maximum of 50 hours. Dr. Maitem seconded.

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

The Board recessed for a short break at 2:37 p.m. and returned to Open Session at 2:45 p.m.

C. Molly Finley, DO Case No. DO-14-0044A License No. 4457

The Respondent was present. After returning to Open session, the Board took no action.

**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. Scott Welle Case No. DO-17-0235A License No. n/a

The Applicant was present. The Executive Director reviewed the license application. He meets the requirements of education and training but has been out of practice since 2014, and allowed his Arizona license to lapse in May 2015. A complaint is pending but there are no disciplinary actions.

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 at 3:30 p.m. and returned to Open Session at 3:45 p.m.

**MOTION:** Dr. Reiss moved for a Substantive Request with terms of re-entry into Surgery including 150 cases of Board certified physician proctor-supervised surgery, a statement from the head of the division regarding his skills and a copy of current CME hours.

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

B. Andres Abreu Case No. DO-17-0276A License No. n/a

This case was continued.

C. Nathan Herrington Case No. DO-17-0278A License No. n/a

The Applicant was present. The Executive Director reviewed the license application. The applicant reported a Yes answer on his license application regarding an assault charge. The charges were dropped after pleading self-defense. There were no further incidents.

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

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

**12. 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 asked the medical students what they had learned and answered the medical students' questions.

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

A. Report on ED Dismissed Complaints

Ms. Jones provided a written report to the Board with the statutory requirements.

B. President & Board Member reports

No reports were made.

C. Executive Director Report

1. Financial Report

Ms. Jones provided a written report to the Board.

2. Summary of Current Events that Affect the Board

a. Move to 1740 W. Adams

Ms. Jones reported that we have been informed that our moving date is January 5, 2018. Badges are being made for the Board Members and will be delivered when complete. Dr. Cunningham and Mr.

Landau toured the new building earlier in the month. Ms. Jones reported that the Board rooms will accommodate all the public members we are likely to have attend including the medical students.

- b. The Board members received a copy of the floor plan.

### 3. Legislation Update

No reports were made. Ms. Jones reported the Board is not planning to run any legislation in this upcoming session.

#### D. Presentation by FSMB at 9 a.m.

The Board recessed for a short break at 9:02 a.m. and returned to Open Session at 9:03 a.m.

David Johnson, MA, Sr. VP Assessment Services, and Jerry Landau, J.D. presented an overview of the Federation of State Medical Boards (FSMB) and the services and advocacy it provides for all the State medical and osteopathic boards.

#### E. Board may review, discuss and take action on request for retired license status.

1. Bernice Roberts, DO License No. 2339

**MOTION:** Mr. Landau moved to approve the change to Retired status. Dr. Spiekerman seconded.

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

#### F. Board may review, discuss and take action regarding moving to cloud based GL Solutions option

Items F, I and J were discussed together. The Executive Director reported on the options for the various services AMB's IT department currently provides. She expressed concerns that AMB provides a great deal of support through in house staff that can reconfigure the database, such as the upcoming letterhead changes. The agency does not have the funding to hire its own IT person and the vendor could take a long time to make such changes at an additional cost. Other options for building and presenting the agenda were reviewed. The current system is a complex, comprehensive system. Other boards use discs, memory sticks, or custom made systems. Granicus offered a system but it was geared for cities and would require a staff member to manually upload each document in each investigative case. This would be cost-prohibitive and unreasonable based on the availability to the current system. The Board suggested staff hire a professional consultant to assist in determining our needs and finding the best solutions after the move has taken place.

#### G. Board may review, discuss and consider update from Aaron Love, D.O.

Dr. Love was present and provided an update to the Board.

#### H. Consideration, Discussion and Possible Recommendation Regarding Draft Emergency Rule A.A.C. R9-10-120 Regarding Opioid Prescribing and Treatment

1. DHS Emergency Rules

The Board received a copy of the DHS Emergency Rules but did not discuss the matter.

#### I. Board may review, discuss and take action on AMB's breakdown of costs to move servers to the Phoenix I/O data center & recurring monthly costs at two data centers.

1. IT Workload for Mandated Move to 1740 W. Adams
2. AMB Breakdown of Costs

Ms. Jones reported that AMB is breaking down all the systems we have for audio and visual as well as security for the Board meetings, and moving them down to the new building, at which time the State will take over ownership. They are also completing many difficult tasks associated with the move of all IT services and equipment which require the expertise of IT professionals. The Medical Board is asking the osteopathic board to contribute 13% of the cost. She asked for the board's permission to negotiate and make arrangements for payment to AMB for these expenses. The Board directed Ms. Jones to negotiate the final figure with the AMB leadership. One member did not feel the board should contribute due to the times the system has gone down.

- J. Consideration, discussion and possible action on estimate of services provided by Granicus for Board meeting recording system.
1. Quote from Granicus  
Ms. Jones reported that Granicus will be able to record the board meeting in an audio/visual format which allows assignment of bookmarks in the recording, and will also upload the recording to our website. The cost for this service will be approximately \$6,000 to install and \$6,000-\$7,000/year to maintain.  
**MOTION:** Dr. Spiekerman moved to authorize Ms. Jones to sign a contract for Granicus to do audio/visual recording of the Board meetings. Mr. Riggs seconded.  
**VOICE VOTE:** The motion carried unanimously.
- K. Consideration, discussion and possible action on proposed letter to Legislature regarding HB2502 and expedited licensure.
1. Sec. 5. Arizona medical board; Arizona board of osteopathic examiners in medicine and surgery; expedited licensure; report; delayed repeal
    - A. The Arizona medical board and the Arizona board of osteopathic examiners in medicine and surgery shall each create a proposal for the expedited licensure of a physician who is licensed in at least one other state, whose license is in good standing and who chooses to not be licensed through the medical licensure compact established by title 32, chapter 32, article 3, Arizona Revised Statutes, as added by this act. The proposals shall include recommended statutory changes to implement expedited licensure. On or before December 1, 2017, each board shall submit a report to the senate health and human services committee and the house of representatives health committee, or their successor committees, for review.
    - b. Legislative Response to HB2502  
Ms. Jones reported that this requirement is being served through our Temporary License which we began issuing in July 2017. She does not see a need to try and add a new type of expedited licensure other than this and the compact. The Board agreed to approve Ms. Jones' letter to the legislature.
- L. Consideration, discussion and possible action on proposed policy regarding Board member reimbursement  
Ms. Jones reported that the Auditor General is recommending that all Boards have a policy in place regarding Board member reimbursement. Staff has been providing time sheets and travel forms for the Board at each meeting and to put into policy the current practices for this. The Board indicated they do not want to prorate for a member's attendance and do not want to be paid for prep day(s). Ms. Jones will present a policy for their consideration at the next meeting.
- M. Review, consideration and action on nomination of Jerry Landau, J.D. for FSMB treasurer or director.  
**MOTION:** Dr. Cunningham moved to nominate Mr. Landau for either treasurer or director of FSMB's Board. Dr. Reiss seconded.  
**VOICE VOTE:** The motion carried unanimously.

#### 14. ADJOURNMENT

The Board adjourned at 4:30 p.m.