



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.
Jeffrey H. Burg

Interim Executive Director

Barbara Prah-Wix, D.O.

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

Saturday, April 13, 2019

BOARD MEMBERS PRESENT:

Douglas Cunningham, D.O. President
Jerry G. Landau, J.D., Vice-President
Jonathan A. Maitem, D.O.
Martin Reiss, D.O.
Jeffrey H. Burg

ABSENT:

Christopher Spiekerman, D.O.
Gary A. Erbstoesser, D.O.

STAFF MEMBERS PRESENT:

Barbara Prah-Wix, D.O., Interim Executive Director / Medical
Consultant
John O'Hair-Schattenberg, Investigator
Mary Broughton, Administrative Assistant
Kim Madrid, Business Manager
Carla Corral, Investigation Administrative
Meaghan Maxwell, Administrative Assistant
Jeanne Galvin, Assistant Attorney General
Michael Raine, Assistant Attorney General (Telephonically)
Justin Bohall, Executive Director
Robin Jasper, CVR, Ottmar & Associates (a.m.)
Cindy Bachman, RPR, Ottmar & Associates (p.m.)

1. CALL TO ORDER

Dr. Douglas Cunningham, Board President, called the meeting to order at 8:12 a.m.

2. ROLL CALL AND REVIEW OF AGENDA

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

3. CALL TO THE PUBLIC

Dr. Cunningham recited 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. The Board received public comment from Scott Steingard, D.O. Dr. Steingard was present and provided an update on the Federation of State Medical Boards and the programs that they offer.

4. REVIEW, CONSIDERATION AND APPROVAL OF MINUTES

- A. March 16, 2019 Open Session

MOTION: Dr. Matiem moved to approve the minutes. Mr. Landau seconded.

VOICE VOTE: Motion carried unanimously.

- B. March 16, 2019 Executive Session

The minutes were not reviewed and it was retained on the agenda.

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

- A. Thomas G. Kotoske, DO DO-18-0003A License No. 3065

The Respondent was present. At the request of the Board, the Respondent stated his education and training. The Investigator provided a brief review of the case. The complaint alleged that respondent failed to provide appropriate care and that respondent’s staff members engaged in inappropriate behavior.

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

MOTION: Dr. Reiss moved for dismissal. Dr. Matiem seconded.

ROLL CALL VOTE: The motion carried 4-1.

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

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

- A. Frank LoVecchio, DO DO-18-0175A License No. 3111

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 Investigator provided a brief review of the case. The Respondent self-reported for prescribing controlled substances to three different family members. The Board notes that two of those family members did not fill the prescriptions signed by the Respondent.

The Respondent stated that he did prescribe controlled substances to three different family members. The Respondent acknowledged that providing prescriptions in this way was wrong and he should have never provided the

prescriptions. Respondent states that he did take the responsibility of completing approximately 37 hours of CME with 25 hours in prescribing and 12 hours in record keeping.

After further review and discussion the Board moved for dismissal of case DO-18-0175A.

MOTION: Dr. Reiss moved for dismissal. Dr. Cunningham seconded.

VOICE VOTE: The motion carried unanimously.

ROLL CALL VOTE: The motion carried 3-2.

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

B. Earl Shadden Kimbell, DO DO-18-0115A License No. 3489

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 Investigator provided a brief review of the case. The Respondent self-reported that he was arrested in Missouri.

The Respondent states that he did receive discipline on his license held in Missouri. He also states he did complete an ethics course that was requested by the Missouri Board. He believes it was approximately a full day of CME.

Dr. Cunningham moved to enter Executive Session for legal advice. Dr. Matiem seconded. The Board entered Executive Session at 9:14 a.m. and returned to Open Session at 9:23 a.m.

Dr. Cunningham moved to enter Executive Session for discussion of confidential information. Dr. Matiem seconded. The Board entered Executive Session at 9:23 a.m. and returned to Open Session at 9:34 a.m.

Dr. Reiss moved to enter Executive Session for legal advice. Dr. Cunningham seconded. The Board entered Executive Session at 9:35 a.m. and returned to Open Session at 9:38 a.m.

After further review and discussion, the Board made motion to issue a Letter of Concern for failing to timely report the arrest in the State of Missouri and for failing to disclose the information on Respondent's Renewal Application.

MOTION: Mr. Landau moved for Letter of Concern for failure to timely report his arrest in Missouri and failing to disclose this information on Renewal Application. Dr. Matiem seconded.

ROLL CALL VOTE: The motion carried 5-0.

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

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

The Respondent was present with attorney Jill Covington and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant provided a brief review of the case. The complaint alleged that the Respondent failed to meet with the patient in an exam setting and that the Respondent provided a false diagnosis that the patient was suicidal.

The Respondent stated he is confident that hospitalizing the patient was the correct treatment. He also stated that he did provide an exam that lasted approximately 30 minutes. He states at the end of the exam, the patient voluntarily determined that it would be best for her to remain at the hospital for short term observation and care. The respondent stated the patient had a previous suicide attempt and patient DH mentioned to the staff members at the hospital she was still having suicidal thoughts. Respondent stated that because of this case he has worked to ensure that all his notes are dictated.

The Complainant D.H. was present and was sworn in by the court reporter. The Complainant states that Respondent made his recommendation without a consultation. She stated the Respondent never came to her room to ask questions or to see her.

Dr. Reiss moved to enter Executive Session for legal advice. Dr. Matiem seconded. The Board entered Executive Session at 10:02 a.m. and returned to Open Session at 10:07 a.m.

The Respondent referenced the patient’s notes providing the dates and time that he examined patient DH and provided a diagnosis. Respondent states he erred on the side of patient safety to ensure that DH was not a danger to herself or others.

After further review and discussion the Board moved for dismissal of case DO-18-0050A.

MOTION: Dr. Reiss moved for dismissal. Dr. Matiem seconded.

ROLL CALL VOTE: The motion carried 5-0.

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

The Board recessed for a break at 10:18 a.m. and returned to Open Session at 10:24 a.m.

D. Victor Kissil, DO DO-18-0148A License No. 3735

The Respondent was present with attorney Darcy Downs-Vollbracht and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant provided a brief review of the case. Previously, the Board and Respondent entered into a consent agreement on January 6, 2017 for a one year term of probation. The Consent Agreement required Respondent to do the following:

1. Obtain 10 hours of CME in the area of IUGR.
2. Obtain 10 hours of CME in the area of boundaries and medical record keeping.
3. Begin the institution of an electronic medical record system in his office within 180 days of the consent. The order also noted the EMR needed to be fully implemented within 12 months of the effective date of the order.
4. Undergo cognitive behavioral therapy and comply with the treatment recommendations.
 The Board asked for additional requirements which were included in an amended Consent agreement dated July 28, 2017, which included the following:
5. Have a chaperone present while with patients.
6. Dr. Kissil shall not hug patients.
7. Dr. Kissil should order ultrasounds at appropriate intervals.

Respondent may have failed to comply with the Board’s Consent Agreement with regard to the institution of electronic medical records in his office.

Ms. Downs-Vollbracht provided a brief statement as to the complaint and the allegations before the Board.

The Board expressed concern as to the seriousness of the allegations in the case.

The Board made determined to table DO-18-0148A at 10:48 a.m. to allow for the Attorney and Respondent to discuss a possible terms of an Interim Consent Agreement.

The Board returned to this case at 12:45 p.m.

After further review and discussion the Board felt Dr. Kissil failed to comply with a Board Order and violated A.R.S. 32-1854-25.

MOTION: Mr. Landau moved Issue an Administrative Warning for failure to comply with a Board Order. Dr. Matiem seconded.

ROLL CALL VOTE: The motion carried 5-0.

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

E. Victor Kissil, DO DO-17-0167A License No. 3735

The Respondent was present with attorney Darcy Downs-Vollbracht and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant provided a brief review of the case. The complaint alleged that Respondent failed to meet the standard of care in three different cases involving patient safety concerns and patient care management.

MOTION: Mr. Landau moved for the Board to find in violation of A.R.S. 32-1854-6 and A.R.S. 32-1854-38 in that he failed to act appropriately in three different OB/GYN cases at the time of birth. Dr. Matiem seconded.

ROLL CALL VOTE: The motion carried 5-0.

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

MOTION: Mr. Landau moved to offer an Interim Consent Agreement for a Permanent Practice Restriction in that Dr. Kissil may only practice Administrative Medicine. The Consent Agreement must be signed by the Respondent before May 1, 2019. If the agreement is not signed by May 1, 2019, the case shall be returned to the Board for further action at the May 18, 2019 meeting. Dr. Maitem seconded.

Dr. Kissil shall be required to adhere to the following:

1. Shall not treat patients (clinically or otherwise).
2. Shall not provide supervision of patient care.
3. Shall not supervise another physician or provider including but not limited to MA, PA, NP, and RNS.
4. Shall not prescribe any medication.

ROLL CALL VOTE: The motion carried 5-0.

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

F. Harry LaVern Gale, DO DO-18-0067A License No. 2772

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 provided a brief review of the case. The complaint alleged the Dr. Gale engaged in false documentation of a patient's medical history.

The Respondent stated that the Complainant was fabricating symptoms to receive an increased opiate prescription. Respondent stated the he recommended that the complainant see a pain management specialist, however the complainant did not follow this suggestion. Respondent states he did prescribe the narcotics approximately 3 or 4 times during the course of treatment as the complainant did suffer from a history of other injuries and acute chronic pain.

After further review and discussion the Board moved that the case be dismissed.

MOTION: Dr. Matiem moved for dismissal. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously.

G. Randy Charles Hancock, DO DO-18-0089A License No. 3297

The Board continued the case and it will be agenized at a future meeting.

H. Rick Alan Shacket, DO DO-18-0090A License No. 4257

The Respondent was present with attorney Kraig Marton and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Medical Consultant provided a brief review of the

case. The complaint alleged the Respondent did not explain treatment to the patient and that staff failed to notify the Respondent that the patient had requested a follow up call from him.

The Respondent stated he spoke to the patient with a chaperone present during the taking of the patient history. The respondent stated he offered treatment options on how to correct the current issue and that the patient consented to the treatment. He states the patient did well during the internal exam and the procedure. He stated that once she was awake she asked a lot of questions and they went over the treatment and final outcome. The respondent felt she understood and was made aware of everything that had happened. He believes that the patient may be suffering from retrograde amnesia due to the nitrous oxide gas provided during the exam and procedure. Respondent stated that his office provides four Informed consent forms that are all signed prior to being seen by the physician. He stated there is a verbal consent given before the procedure and exam begin.

Dr. Cunningham expressed concern that the Respondent was not providing the treatment information directly to the patient but rather having a medical assistant or other provider provide the treatment information to the patient. After further review and discussion the Board made motion to dismiss the case.

MOTION: Dr. Matiem moved for dismissal. Dr. Reiss seconded.

ROLL CALL VOTE: The motion carried 4-1.

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

I. Jeffery Burl Bushman, DO DO-18-0158A License No. 2338

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 provided a brief review of the case. The complaint alleged that Respondent was over prescribing narcotics to his patients.

Board voted to Consolidate Case # DO-18-0158A and DO-18-0152A.

J. Jeffery Burl Bushman, DO DO-18-0152A License No. 2338

The Medical Consultant provided a brief review of the case.

The Respondent stated he did prescribe high doses of narcotics to his patients in the past. He stated that he was not fully following the new guidelines regarding opioid and pain prescriptions. He stated he has been attempting to wean most patients down to 90 Morphine equivalents per day and has had good success. He stated that he only received one phone call from the Complainant to discuss how he was prescribing to his patients.

After review and discussion the Board moved to issue an Interim Order for Practice Restriction of Respondent's license.

MOTION: Dr. Cunningham moved to issue an Interim Order for the following:

1. Shall not prescribe controlled substances class II to V or recommend marijuana
2. Shall have an evaluation done at PACE which should be scheduled within 30 days and should be completed within 90 days.

Mr. Landau seconded.

ROLL CALL VOTE: The motion carried 5-0.

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

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

K. Norberto Sibayan Perez, DO DO-18-0052A License No. 3121

The Respondent was present with attorney Bruce Smith and was sworn in by the court reporter. At the request of the Board, the Respondent stated his education and training. The Board’s Medical Consultant provided a brief review of the case. The complaint alleged the Respondent failed to recognize the severity of the patient’s conditions.

The Respondent stated that he followed the standard procedure for this patient. He states that he ordered multiple X-Ray images for the patient. He stated he got a phone call from one of the nurses on February 23rd explaining the patient was not doing well. He stated that he had discussed the options including transferring him back to the hospital with the patient and the patient’s spouse on February 22nd. The patient’s spouse who possessed Medical Power of Attorney requested that no decision be made until the patient’s son had arrived and provided his opinion. Respondent states that the staff followed the spouse’s instruction and did not call for the patient to be transferred to the hospital in spite his worsening condition. Respondent stated that the patient’s son arrived and he directed his father to go to the hospital. The patient was transferred back to the hospital at the son’s request where the patient passed away a few days later.

The complainant was sworn in by the court reporter. The complainant stated he showed up on February 23rd and he saw his dad unresponsive and was breathing rapidly. The complainant asked for the patient’s blood pressure and he reported it to be 40 over 20. They made the decision as a family to send him to the hospital.

The Board expressed concern that Respondent may have failed to recognize the early signs of pneumonia and sepsis in the patient.

MOTION: Mr. Landau moved for Letter of Concern for failure to recognize the early signs sepsis and pneumonia in patient BM.

Dr. Reiss seconded.

ROLL CALL VOTE: The motion carried 4-1.

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

L. Joseph John Ring, DO DO-17-0189A License No. 4529

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 Board’s Medical Consultant provided a brief review of the case. The complaint submitted by Arizona Department of Health Services reported that the Respondent may not have completed the appropriate requirements to certify qualifying patients for the medical marijuana program.

The Medical consultant noted that in November 2018 Respondent was required to enroll in PACE or CPEP. Respondent completed the CPEP education, training and evaluations. CPEP provided recommendation that includes continuing medical education in medication prescribing and a Board Approved Preceptor to monitor the Respondent for compliance.

The Respondent stated he has already completed two medical record keeping courses prior to attending CPEP. He stated that the program was very valuable to him and that felt like he had received the necessary training and education to comply with any direction from the Board. He stated he no longer prescribes opiates or benzodiazepine in his clinic but still prescribes both through his association with hospice.

MOTION: Mr. Landau moved for the Board to find in violation of statute 32-1854-6, 21,35and 39 for failure to follow the standard of care with regard to controlled substance prescribing as listed in the medical consultant’s report and failing to follow the appropriate requirements in certifying patients for medical marijuana. Dr. Maitem seconded.

ROLL CALL VOTE: The motion carried 5-0.

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

MOTION: Mr. Landau moved to offer a Consent Agreement to include the following:

1. License placed on Probation for 3 years with eligibility for early termination.
2. Shall follow the recommendations of CPEP
3. Shall obtain a Board Approved Preceptor that will monitor and oversee the following;
 - a) Clinical care
 - b) Prescriptions of controlled substances
 - c) Medical record keeping
4. The preceptor shall provide quarterly reports to the Board for the first year then semi-annually.
5. The Board acknowledges completion of the CME in prescribing.
6. Respondent shall complete a CME course on ECG (electrocardiogram)
7. Respondent shall not provide recommendations for Arizona Medical Marijuana Act (AMMA) cards.
8. To be reviewed before the Board at the November 2019 Board Meeting.

Dr. Matiem seconded.

ROLL CALL VOTE: The motion carried 5-0.

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

8. 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. J. Carvel Jackson, DO DO-17-0100A License No. 2543

The Respondent was present and represented by attorney Andy Plattner. The Board’s Medical Consultant provided a brief review of the case and noted the results of the PACE examination had been received at the Board’s office and Dr. Jackson had received a Pass Level 1.

Mr. Plattner noted that the Board had required Dr. Jackson to complete the PACE examination through an Interim Order and that Dr. Jackson has completed the exam. He stated Dr. Jackson has also already completed 27 hours of CME in prescribing and 17 hours of CME in medical record keeping. He stated that Dr. Jackson had received a Pass Level 1. On behalf of his client, he requested termination of the Board’s Interim Order.

After review and discussion the Board moved to adjudicate each case individually.

MOTION: Dr. Cunningham moved for Letter of Concern for failure to properly supervise a PA. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously.

- B. J. Carvel Jackson, DO DO-17-0070A License No. 2543

It was noted this case had previously been referred to the Attorney General's office.

MOTION: Dr. Maitem moved to dismiss the case without prejudice. The case will be returned to the Board if the Attorney General's office makes any finding or takes action based on the complaint. Dr. Cunningham seconded.

VOICE VOTE: The motion carried 4-0. Mr. Landau recused.

- C. J. Carvel Jackson, DO DO-17-0065A License No. 2543

MOTION: Dr. Maitem moved to issue a Letter of Concern for inappropriate billing practices. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously.

Motion: Dr. Cunningham moved to terminate the Interim Order because the physician has complied. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously.

- D. Joseph Christopher Thompson, DO DO-18-0155A License No. 007732

The Respondent was present and sworn in by Court Reporter. At the request of the Board, the Respondent stated his education and training.

Dr. Cunningham moved to enter Executive Session for review and discussion of confidential medical information. Dr. Maitem seconded. The Board entered Executive Session at 3:00 p.m. and returned to Open Session at 3:15 p.m.

Dr. Cunningham requested Dr. Thompson reappear before the Board at the November 2019 meeting.

- E. Joseph Michael Janzer, DO DO-17-0218A License No. 4221

The Respondent was not present.

The Board's Medical Consultant provided an update and information regarding the Respondent.

MOTION: Dr. Cunningham moved to administratively close the case. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously.

9. **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. Veronica Jean Ruston, DO DO-18-0009A License No. N/A

The Respondent was present.

MOTION: Dr. Cunningham moved to issue an unrestricted license. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously.

B. Jonathon Paul Mahn, DO DO-19-0056A License No. 005979

The Respondent was present with attorney David Cohen. At the request of the Board, the Respondent stated his education and training. The Board Investigator provided a brief review of the case.

Dr. Cunningham moved to enter Executive Session for review and discussion of confidential medical information. Dr. Maitem seconded. The Board entered Executive Session at 3:18 p.m. and returned to Open Session at 3:37 p.m.

MOTION: Dr. Cunningham moved to the Dr. Mahn reappear before the Board at the May 18, 2019, meeting. Dr. Matiem seconded.

VOICE VOTE: The motion carried unanimously.

C. Tzvi Yosef Doron, DO DO-19-0048A License No. N/A

The Respondent was not present.

MOTION: Dr. Reiss moved to issue an unrestricted license. Dr. Cunningham seconded.

VOICE VOTE: The motion carried unanimously.

10. REVIEW, DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO A PROPOSED CONSENT AGREEMENT AND VACATING REFERRAL TO FORMAL HEARING.

A. Jamison Mark Foster, DO DO-17-0106A License No. 006198

The Respondent was not present and not represented by legal counsel.

The Board forwarded case # DO-17-0016A for Formal Hearing at the Office of Administrative Hearings for Revocation.

No Further Action was taken by the Board at this time.

11. REVIEW, DISCUSSION, CONSIDERATION, AND POSSIBLE ACTION RELATING TO A PROPOSED CONSET AGREEMENT.

A. James William Osborne, DO DO-19-0008A License No. N/A

The Respondent was not present.

MOTION: Mr. Landau moved to approve the Consent Agreement. Dr. Matiem seconded.

ROLL CALL VOTE: The motion carried 5-0.

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

12. REVIEW, DISCUSSION CONSIDERATION AND POSSIBLE ACTION ON CONSENT AGREEMENT FOR SURRENDER OF LICENSE AND VACATING FORMAL HEARING.

A. Westin Lorenzo Childs, DO DO-17-0087A License No. 006795

The Respondent was not present.

The Board’s Medical Consultant provided a brief review of the case. The Complaint alleges Respondent was engaging in telemedicine and charging patients an upfront fee of \$997 to be there direct care provider with a monthly fee of \$149. The Medical Consultant’s review of the case found that Dr. Childs may have been practicing Osteopathic Medicine in other states in which he was not licensed.

The Board then consolidated case # DO-17-0087A and DO-17-0190A for consideration by the Board.

B. Westin Lorenzo Childs, DO DO-17-0190A License No. 006795

The Respondent was not present.

The Board’s Medical Consultant provided a brief review of the case. The Complaint alleges Respondent did not complete the appropriate requirements to certify qualifying patients for the Arizona medical marijuana program.

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

ROLL CALL VOTE: The motion carried 5-0.

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

MOTION: Mr. Landau moved to vacate the Formal Hearing. Dr. Matiem seconded.

VOICE VOTE: Motion carried 5-0.

13. REVIEW, DISCUSSION CONSIDERATION AND POSSIBLE ACTION ON CONSENT AGREEMENT FOR SURRENDER OF LICENSE.

A. Ronald Joseph Bitza, DO DO-18-0192A License No. 1370

The Respondent was not present. The Board’s Medical Consultant provided a review of the case and of the proposed consent agreement.

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

ROLL CALL VOTE: The motion carried 5-0.

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

14. REVIEW, DISCUSSION AND POSSIBLE ACTION REGARDING APPOINTING A BOARD REPRESENTATIVE TO THE INTERSTATE MEDICAL LICENSURE COMPACT COMMISSION.

Mr. Landau provided an update on the Interstate Medical Licensure Compact and noted that his term on the Compact Committee would be expiring in November. Mr. Landau asked for the Board to begin to consider his replacement. Dr. Cunningham nominated the Board’s new Executive Director, Mr. Bohall. The Board will make a formal nomination at the end of Mr. Landau’s term.

15. QUESTIONS 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 students from Midwestern University and discussed current issues surrounding the practice of Osteopathic Medicine.

16. REVIEW, CONSIDERATION AND ON REPORTS FROM INTERIM EXECUTIVE DIRECTOR, BOARD MEMBERS AND ASST ATTORNEY GENERAL.

A. Report on Interim Executive Director Dismissed Complaints

Dr. Prah provided the Board with an update.

B. President and Board Member Reports

There were no reports at this time.

C. Interim Executive Director Report

1. Financial Report

Dr. Prah provided the Board with an update.

2. Current Events that Affect the Board

Dr. Prah provided the Board with an update.

3. Legislation Update

Mr. Landau provided the Board with an update on legislation that may affect the Board. He provided a brief mention of HB 2569.

17. ADJOURNMENT

MOTION: Mr. Landau moved for adjournment. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously.

The Board adjourned at 4:05 p.m.