



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

Executive Director
Justin Bohall

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

Saturday, May 18, 2019

**BOARD MEMBERS
PRESENT:**

Douglas Cunningham, D.O. President
Jonathan A. Maitem, D.O.
Martin Reiss, D.O.
Gary A. Erbstoesser, D.O.
Christopher Spiekerman, D.O.
Jeffrey H. Burg

ABSENT:

Jerry G. Landau, J.D., Vice-President

STAFF / OTHERS PRESENT:

Justin Bohall, Executive Director
Barbara Prah-Wix, D.O., Medical Consultant
Mary Broughton, Administrative Assistant
Kim Madrid, Business Manager
Meaghan Maxwell, Administrative Assistant
Jeanne Galvin, Assistant Attorney General
Cindy Bachman, CVR, Ottmar & Associates (a.m.)
Lauren Kuhnenn, RPR, Ottmar & Associates (p.m.)

1. CALL TO ORDER

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

2. ROLL CALL AND REVIEW OF AGENDA

The Executive Director took the Roll. Mr. Landau was absent from the meeting. Six (6) board members were present, establishing a quorum for the meeting.

3. CALL TO THE PUBLIC

Dr. Cunningham recited the Board's mission statement.

- A. No Medical Students were present at the meeting.
- B. Dr. Cunningham conducted the call to the public. No public comment was received.

4. REVIEW, CONSIDERATION, AND APPROVAL OF MINUTES

A. March 23, 2019, Open Session

MOTION: Dr. Maitem moved to approve the minutes. Dr. Reiss seconded. Dr. Erbstoesser abstained as he was not present at the March 23, 2019 meeting.

VOICE VOTE: Motion carried. 5-0-1-0-1-0.

5-Ayes, 0-Nays, 1-Abstained, 0-Recused, 1-Absent, 0-Vacant

B. March 23, 2019, Executive Session

The Executives Minutes were retained and not reviewed by the Board.

C. April 13, 2019, Open Session

MOTION: Dr. Matiem moved to approve the minutes. Dr. Reiss seconded. Dr. Erbstoesser and Dr. Spiekerman abstained as they were not present at the April 13, 2019 meeting.

VOICE VOTE: Motion carried. 4-0-2-0-1-0.

4–Ayes, 0–Nays, 2–Abstained, 0–Recused, 1–Absent, 0–Vacant

D. April 13, 2019, Executive Session Minutes were retained and not reviewed by the Board.

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

A. Michael James Tuttle, DO DO-18-0066A License No. 005688

The Respondent was not present. The complainant, TM, was present with Attorney Kevin Chapman. TM provided a statement to the Board.

The complainant stated she was in a car accident that resulted in lower back fractures. She states that the procedure was supposed to be simple and minor however due to alleged complications by Dr. Tuttle the surgery could not be performed. She stated that due to the immense pain in her throat she went to the hospital.

The Board inquired if the complainant was made aware of any possible complications prior to the surgery. She stated she was not made aware prior to the surgery.

After Discussion and consideration, the Board determined to proceed to an Investigative Hearing.

MOTION: Dr. Cunningham moved for Investigative Hearing. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously. 6-0-0-0-1-0.

6–Ayes, 0–Nays, 0–Abstained, 0–Recused, 1–Absent, 0–Vacant

B. Ayad Agha, DO DO-18-0105A License No. 4341

The Respondent was present. The allegations before the Board were that respondent may have fallen below the standard of care.

The Respondent provided additional information for the Board to review. Respondent stated he is an aggressive Physician. He also stated that with his type of practice and that due to DVTs being extremely dangerous, he does need to be an aggressive physician. He stated that without being aggressive things could have gotten worse for her.

The Board directed staff to conduct a review of 10 patient charts.

After Discussion and consideration, the Board determined to proceed to an Investigative Hearing.

MOTION: Dr. Cunningham moved for Investigative Hearing. Dr. Matiem seconded.

VOICE VOTE: The motion carried unanimously. 6-0-0-0-1-0.

6–Ayes, 0–Nays, 0–Abstained, 0–Recused, 1–Absent, 0–Vacant

C. Bryan David Friedman, DO DO-18-0113A License No. 006111

The Respondent was present. The allegations before the Board were that respondent may have fallen below the standard of care.

Respondent stated he did perform a functional endoscopic sinus surgery on the patient and the patient developed complications post-surgery. He also stated he has never had this complication with this procedure. Respondent stated that the patient developed a 1 cm defect in the sinus that resulted in a pneumocephalus.

The Complainant was present and provided a statement to the Board. The complainant stated when he woke up from surgery he initially felt pretty good. He stated that the pain developed while he was in the surgery recovery. He was provided pain medication was sent home. He stated about 5 days later he went to the hospital due to the pain. He stated the hospital did identify the leak and he was treated at the hospital for 7 days. He then returned home only to have to

return to the hospital a week later and was treated again for another 8 days. He stated that the Respondent suggested they get a second opinion and that it was his choice to do so. He stated he went to see Dr. Rehl. He also stated that when he talked to the Respondent about doing the surgical repair the Respondent stated that if they did the surgery that the hole would never be fully repaired as it would never be as strong as letting it heal naturally. He stated that Dr. Rehl did not agree with the Respondents statement and that Dr. Rehl felt that surgery would fix this problem and in fact make it stronger.

After Discussion and consideration, the Board determined to proceed to an Investigative Hearing.

MOTION: Dr. Spiekerman moved for Investigative Hearing. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously. 6-0-0-1-0.

6–Ayes, 0–Nays, 0–Abstained, 0–Recused, 1–Absent, 0–Vacant

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

A. Don Gene Cunningham, DO DO-18-0196A License No. 0732

At this time, the President of the Board recused himself from the Investigative Hearing and left the Board Room at 8:34 am. Dr. Riess assumed the position of President for the remainder of the Investigative Hearing.

The Respondent was present with attorney Steve Myers and was sworn in by the court reporter. The Medical Consultant reviewed the case. The Respondent self-reported for incorrectly authorizing a controlled substance on behalf of a Physician's Assistant. The Medical Consultant noted that the prescription was for an immediate family member of the Respondent.

Respondent apologized for this mistake of authorizing a prescription refill for his immediate family member under the PA's care. Respondent noted that once the mistake was brought to his attention, he canceled the request and the prescription was not refilled. He stated that he has also made some policy changes within his practice to ensure that these mistakes will not occur again in the practice. Respondent provided copies of completed CME coursework for controlled substance prescribing. He also stated the immediate family member has been transferred to a physician that is outside the respondent's practice.

The Respondent answered the Board's questions.

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

VOICE VOTE: Motion carried. 5-0-0-1-1-0.

5–Ayes, 0–Nays, 0–Abstained, 1–Recused, 1–Absent, 0–Vacant

The Board President returned to the meeting at 8:42 am.

The Board reviewed the following items out of order:

Tab 8A: DO-18-0178, Jay Sung Park, DO.

Tab 8G: DO-19-0073, Christopher Teofil Neagra

The Board recessed at 8:50 am and reconvened at 8:55 am.

The Board reviewed the following item out of order:

Tab 6C: DO-18-0043, Jason Chanh Ly, DO

B. Travis Clark Stiegler, DO DO-18-0144A License No. 005517

The Respondent was present with attorney Lauren Weinzweig 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 of making sexual advances, requesting sexual favors, or engaging in any other verbal conduct or physical conduct of sexual nature.

Respondent stated he saw this patient with over 9 visits. He stated she showed odd behavioral actions at each visit, and that he documented his concerns in his notes. He stated he had admonished the patient and established boundaries of professionalism due to her inappropriate behaviors. He stated he did not touch this patient in an inappropriate manner.

The Board questioned the Respondent as to any changes he has made in his practice since the filing of the complaint. Respondent stated that his office has hired two assistants that now assist with patients and they act as chaperones during treatment.

MOTION: Dr. Reiss moved to enter Executive Session for discussion of confidential medical information. Dr. Maitem seconded.

VOICE VOTE: The motion carried unanimously. 6-0-0-0-1-0.

6–Ayes, 0–Nays, 0–Abstained, 0–Recused, 1–Absent, 0–Vacant

The Board entered Executive Session at 9:41 a.m. and returned to Open Session at 9:46 a.m.

The Complainant was present and not represented by legal counsel. The complainant’s husband was also present. The Complainant was sworn in by the Court Reporter.

The Complainant stated that the information provided in her complaint was true and correct. She stated that no one in the office ever admonished her for her behavior. She provided additional comments allegedly made by the Respondent. She stated that she is happy that the policies have changed in the practice because she does not want this to happen again.

The Respondent’s Operations Manager, Siobhan Love, was present and provided testimony before the Board. She stated she has known the respondent now for 3 years including his family, states that the respondent is very professional. She also stated the clinic now has two MAs on staff and the front desk receptionist is trained to assist as a chaperone if the MAs are indisposed. The Respondent’s Co-Worker, Timothy Munderloh, D.C., was present and provided testimony before the Board. He stated that he believes that the Respondent has always acted with integrity and that he was shocked when he heard the allegations in the complaint.

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

ROLL CALL VOTE: The motion carried 5-1.

The Board recessed at 10:05 am and reconvened at 10:10 am.

C. Jason Chanh Ly, DO DO-18-0043A License No. 006339

The Respondent was present with attorney Kerry M. Griggs and was sworn in by the court reporter. The Board took the above-referenced case out of order. The Medical Consultant provided a review of the case. The Respondent self-reported that an action was taken against him by the Washington State Department of Health.

The Respondent stated he was ordered by the Washington Board to get Board Certified in Addiction Medicine. He stated that he did apply for this certification however he was deemed not eligible because his practice does not meet the requirements to be deemed a pain management practice. He stated he is currently board certified in Physical Medicine and Rehab. Respondent stated his current focus is on interventional spine treatment. At the time the Washington Board took action he was working in a Pain Management clinic. Respondent stated that he avoids prescribing opioids to patients.

Mr. Griggs stated that the respondent was hired and put into a bad situation. He stated that the Respondent was unaware of any investigation.

The Respondent answered the Board’s questions. The Board expressed concern that the findings of fact in the Order issued by the Washington Board appeared to be incongruent with the disciplinary action taken.

MOTION: Dr. Erbstoesser moved for dismissal. Dr. Spiekerman seconded.

ROLL CALL VOTE: The motion carried 4-2-0-1.

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

D. Michael Leroy Nowak, DO DO-18-0012A License No. 4575

The Respondent was present and not represented by legal counsel. Respondent 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 case was opened due to a yes answer on his application for a malpractice case.

Respondent stated he encountered this patient when he became the physician at this practice and this patient was being managed by the other physician prior to the Respondent taking over the clinic as a locum tenens physician. He stated the patient had a bartholin gland abscess diagnosed at the 8th week of her pregnancy. The previous physicians had followed protocol and drained the abscess three times and the patient returned due to extreme pain. He stated that he consulted with the patient and the patient’s family and they determined that the Respondent would perform minor surgery to remove the gland in its entirety.

The Respondent answered the Board’s questions.

The Board expressed concern as to the record keeping of the patient’s record for the surgery.

MOTION: Dr. Maitem moved for dismissal. Dr. Spiekerman seconded.

VOICE VOTE: The motion carried unanimously. 6-0-0-0-1-0.

6–Ayes, 0–Nays, 0-Abstained, 0-Recused, 1-Absent, 0-Vacant

E. Kris Parchuri, DO DO-17-0294A License No. 4737

The Respondent was present, was not represented by legal counsel 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 case was opened due to a malpractice case for delayed diagnosis of post-discogram anterior cervical infection that lead to the development of aseptic discitis with epidural abscess.

Respondent stated he was seeing the patient for about a year. He stated the patient had been having chronic neck and back pain. After another 6 months of various treatments, the patient elected for spinal surgery. Respondent states for the post-surgery follow up the patient had come in and had been complaining of some neck pain in which they had tried conservative care and injections which did not work. He stated he ordered a discogram to make sure nothing else was causing her pain. He stated he was notified of the patient going to the Emergency Room the first time and he told the ER Doctor of the discogram they had done and these pains are all normal after a discogram. He stated did not feel that there was anything on the CT scan that was a cause for concern, but kept in the back of his mind that there was a possibility of infection. Respondent stated he was not notified of the patient returning to the Emergency Room the 2nd, 3rd, and 4th time. He further stated that he was notified by the patient’s Chiropractor that the patient was in a lot of pain. He stated that he ordered an Emergency MRI and it was not performed on the patient. He expressed concern that the 4th hospital the patient went to is a hospital of which he had privileges. He stated that this hospital did not notify him of the patient being there and instead they contacted the on-call Neurologist.

The Respondent answered the Board’s questions.

MOTION: Dr. Erbstoesser moved for dismissal. Dr. Spiekerman seconded.

ROLL CALL VOTE: The motion carried 4-2.

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

F. Anthony Christopher Pozun, DO

DO-19-0005A

License No. 3684

The Respondent was present with attorney Steve Myers. The Respondent 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 Board was notified by Banner Thunderbird Medical Center of the Respondent had a positive urine drug screen and voluntarily suspension of his practice privileges at the Medical Center.

The Respondent provided a statement to the Board regarding the allegations of recreational drug use.

Dr. Matiem moved to enter Executive Session for discussion for confidential medical information and legal advice. Dr. Spiekerman seconded. The Board entered Executive Session at 11:17 a.m. and returned to Open Session at 11:42 a.m.

The Respondent answered the Board's questions.

MOTION: Dr. Cunningham moved to issue a Disciplinary Order for Probation for a two year period with terms to be reviewed again by the Board in 6 months.

Dr. Matiem seconded.

ROLL CALL VOTE: The motion carried unanimously.

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

The Board recessed at 11:45 am and reconvened at 12:30 pm. Dr. Spiekerman left the meeting at this time and did not return for the duration of the meeting.

G. Brian Samuel Page, DO

DO-17-0268A

License No. 3416

The Board consolidated cases DO-17-0268A and DO-17-0269A and reviewed them together.

H. Brian Samuel Page, DO

DO-17-0269A

License No. 3416

The Respondent was present with attorney Teresita Mercado. The Respondent was sworn in by the court reporter. The Medical Consultant reviewed the case.

Ms. Mercado stated that the complaints were from two disgruntled employees and were not patient complaints.

Respondent stated he took this case as an opportunity to improve on his clinics' patient safety protocols. He stated that they have made some changes since these complaints were filed. He stated he has hired about 18 RN's to do all IV injections. He stated MAs were not unsupervised when administering an IV. He also stated he was never aware of the MAs being unsupervised and administering an IV. He stated they were not aware of the state guidelines of this policy. He stated that it is a company policy to have licensed providers to administer all medication IVs. He stated they have hired about 18 X-Ray technicians to do all X-Rays. He further stated that prior to this change they did not have any X-Ray technicians on staff. He stated that he would direct the MAs to position the C-Arm during the procedures but that he would use the foot pedal to take the x-ray. He stated that when one of CRNA's complained that they did not have safety straps on the beds that they instituted and installed safety straps right away. He stated that all beds now have safety straps. He stated that he does time outs for every single patient, but that it was not documented in the patient file. He stated that his clinics have been inspected within the past several years by MICA, DEA, Arizona Radiation, DES, and most insurance carriers. He further stated that if the inspections found any deficiencies, they have addressed immediately. He stated they did not realize that they were deficiencies on the patients' charts and that they have implemented an action plan to improve their charting. He also stated that they have started doing random chart reviews by a third party reviewer.

The Complainant was present telephonically. She stated that she did witness the MAs inserting the IVs. She again expressed her concerns with the practices of the Respondent's clinics.

The Complaint answered the Board questions.

MOTION: Dr. Cunningham moved to enter Executive Session for discussion of legal advice. Dr. Reiss seconded.

VOICE VOTE: The motion carried unanimously. 5-0-0-0-2-0.

5-Ayes, 0-Nays, 0-Abstained, 0-Recused, 2-Absent, 0-Vacant

The Board entered Executive Session at 1:21 p.m. and returned to Open Session at 1:52 p.m.

The Respondent answered the Board's questions.

MOTION: Dr. Cunningham motioned that an Order be issued to require the Respondent to provide a digital list of the current and past employees with names, date of employment, email addresses, phone numbers, the position they held, and addresses. He further ordered that respondent provide the reports from MICA, DEA, and ARRA. Respondent shall provide all the ordered information by June 3, 2109. Dr. Matiem seconded.

VOICE VOTE: The motion carried unanimously. 5-0-0-0-2-0.

5-Ayes, 0-Nays, 0-Abstained, 0-Recused, 2-Absent, 0-Vacant

I. Roy Niels Skousen, DO

DO-18-0014A

License No. 2214

The Respondent was present with attorney Tom Slutes. The Respondent 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 that the Respondent was a danger to a patient's health, and engaged in the unsafe practice of medicine.

The Respondent stated that his recollection of events greatly differed from the complaint. He stated that he had difficulty sleeping the night before the due to leg cramps. He stated that on the morning of the incident he drank a quick soda for breakfast and went into the long case. He stated that after about an hour and a half into the surgery he had felt fuzzy and noticed he could not concentrate on the patient's chart. He stated he also had problems with his pen with leaking. He stated that during this time Dr. O'Neil had been called as a nurse thought she saw the Respondent falling asleep. He then stated that Dr. O'Neil told him to take a break. He stated that he did not fall asleep and that it may have been that his blood sugar was low. He stated he took a break and composed himself. He further stated that when he returned to the operating room Dr. O'Neil sent him to the emergency room.

Dr. Reiss moved to enter Executive Session for discussion of confidential medical information. Dr. Maitem seconded. The Board entered Executive Session at 2:13 p.m. and returned to Open Session at 2:32 p.m.

Dr. Cunningham moved to enter Executive Session to receive legal advice. Dr. Reiss seconded. The Board entered Executive Session at 2:32 p.m. and returned to Open Session at 2:42 p.m.

The Respondent answered the Board's questions.

MOTION: Dr. Cunningham moved to issue an interim order for him to see an internist and complete a full evaluation. In addition, the Respondent is required to see a cardiologist, pulmonologist, and have an evaluation by a psychiatrist. Mr. Burg seconded.

VOICE VOTE: The motion carried unanimously. 5-0-0-2-0.
5-Ayes, 0-Nays, 0-Abstained, 0-Recused, 2-Absent, 0-Vacant

The Board reviewed the following items out of order:

Tab 8D: DO-19-0067, Kyle B. Mitts, DO.

J. George Wm English, DO DO-18-0092A License No. 1197

The Respondent was present with attorney Kimberly Kent. The Respondent 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 case was opened as a result of a malpractice settlement.

The Respondent made a statement about the patient's readings and classifications. He stated he now is using 3-D readings which he feels is the best type of diagnostic tool for seeing everything in a patient and to catch things early.

The Respondent answered the Board's questions.

His attorney stated that the case was settled at the direction of the company the respondent worked for and they did not discuss it with the Respondent prior to the settlement.

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

VOICE VOTE: The motion carried unanimously. 5-0-0-2-0.
5-Ayes, 0-Nays, 0-Abstained, 0-Recused, 2-Absent, 0-Vacant

K. Dennis Lee Furr, DO DO-18-0120A License No. 006668

The Respondent was present with attorney Bruce Smith. The Respondent 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 Board opened the complaint after the Board was notified by the Colorado Medical Board of disciplinary action on the Respondent's license for substandard care and a lack of documentation.

The Respondent stated that he was doing contract work for the Colorado Department of Corrections. He stated that he was on call one weekend night out of the month to provide on-call coverage. He stated that prison staff would call for advice on cases. He stated he did not keep records for this contract work as he believed he was not allowed to under the contract of services.

The Respondent answered the Board's questions.

The Board expressed concern that the Respondent did not keep a written or digital record for the cases on which he consulted on through this contract with the Colorado Department of Corrections.

MOTION: Dr. Maitem moved to issue a Letter of Concern for failure to keep accurate patient records. Dr. Cunningham seconded.

ROLL CALL VOTE: The motion failed 2-3.

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

MOTION: Mr. Burg moved for Dismissal. Dr. Erbstoesser seconded.

ROLL CALL VOTE: The motion carried 3-2.

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

L. Randy Charles Hancock, DO

DO-18-0089A

License No. 3297

At this time, Dr. Maitem recused himself from the Investigative Hearing and left the Board Room at 3:15 pm. The Respondent was present and not represented by legal counsel. The Respondent 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 concerns of improper supervision over a Physician’s Assistant.

The Respondent stated the PA in question took over a practice in Spring Valley. The Respondent state that the PA was being supervised by a previous physician and that the PA wanted to get rid of the other physician because the previously Physician was over-prescribing to patients. Respondent stated he did continually remind the PA that this is temporary and that the PA was actively looking for permeant supervision. Respondent stated that he did review some of the charts and noted that some of the prescriptions were high but the PA was working to bring the levels the acceptable range.

The Respondent answered the Board’s questions.

The Board expressed concern that the Respondent did not appear to be taking an active approach to supervision and that the amounts being prescribed were considered outside the acceptable range. The Board strongly encouraged the Respondent to adjust his supervision policies by keeping a log of the charts reviewed and then to sign off on the chart after he had reviewed it.

MOTION: Dr. Cunningham moved to issue a Letter of Concern for failure to properly supervise the Physician’s Assistant. Dr. Erbstoesser seconded.

ROLL CALL VOTE: The motion carried 4-0.

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

7. 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. William W. Willis, DO DO-15-0232A License No. 4742

The Respondent was not present.

The Medical Consultant provided a history of the case to the Board. The Medical Consultant stated Dr. Willis has not returned calls or emails for information. Ms. Galvin noted that the Respondent has until October 2019 to comply with the order. She notes that if he does not comply the order states that that the Board shall lift the stayed revocation of the Respondent’s license.

The Board directed staff to prepare an order in the event that he does not comply within the stated time.

B. William Scott Harvey, DO DO-15-0196A License No. 006072

The Respondent was present with attorney Paul Giacova.

This complaint was opened due to a domestic violence incident in Lake Havasu. Respondent was ordered to attend PACE for an evaluation. The results from the PACE evaluation have been returned to the Board and the Respondent received a Pass Level One.

Mr. Burg moved to enter Executive Session for discussion of confidential medical information. Dr. Maitem seconded. The Board entered Executive Session at 3:36 p.m. and returned to Open Session at 3:46 p.m.

MOTION: Dr. Cunningham moved to direct staff to take the action discussed in Executive Session. Mr. Burg seconded.
VOICE VOTE: The motion carried unanimously. 5-0-0-0-2-0.
5–Ayes, 0–Nays, 0–Abstained, 0–Recused, 2–Absent, 0–Vacant

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

The Respondent was present with attorney David Cohn. Present with the Respondent was his fiancée Ashley LeSueur.

Dr. Maitem moved to enter Executive Session for discussion of confidential medical information. Dr. Erbstoesser seconded. The Board entered Executive Session at 3:47 p.m. and returned to Open Session at 4:10 p.m.

Dr. Cunningham directed staff to take the action discussed in Executive Session.

D. Robert Ian Marouk, DO DO-14-0307A License No. 3538

MOTION: Dr. Cunningham moved to enter Executive Session for discussion of confidential medical information. Dr. Maitem seconded.

VOICE VOTE: The motion carried unanimously. 5-0-0-0-2-0.
5–Ayes, 0–Nays, 0–Abstained, 0–Recused, 2–Absent, 0–Vacant

The Board entered Executive Session at 4:11 p.m. and returned to Open Session at 4:19 p.m.

The Board reviewed the following items out of order:

Tab 8B: DO-19-0056, Jonathon Paul Mahn, DO.
Tab 8F: DO-19-0070, Mansi D. Dave, DO.

E. David Lavon Payne, DO DO-17-0292A License No. N/A

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

The Medical Consultant provided a history for the Board. The Medical Consultant noted that the Respondent was not compliant with the order issued in the case. Staff noted that Respondent did not renew his license by May 1, 2019. The license is currently Suspended/Expired.

MOTION: Mr. Burg moved to open complaint for non-compliance with a Board Order. Dr. Maitem seconded.

VOICE VOTE: The motion carried unanimously. 5-0-0-0-2-0.

5–Ayes, 0–Nays, 0–Abstained, 0–Recused, 2–Absent, 0–Vacant

8. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S § 32-1822; PERMITS PURSUANT TO A.R.S § 32-1825 (C-D) AND A.A.C R4-22-207

A. Jay Sung Park, DO DO-18-0178A License No. N/A

The Applicant was present and not represented by legal counsel. The Board took the above-referenced case out of order. The applicant may have failed to disclose he was on probation during his post-graduate training. The applicant noted that he used a third-party application service and did not review the information on the application prior to signing it and returning it to the Board office. Board staff contacted the other states that Dr. Park has applied for a license to verify if he disclosed the probation on his other applications. Staff noted that on the other applications received that he did, in fact, disclose the probation.

He stated this is a very serious matter and that this has been a life lesson. He also stated that he will not make this mistake again.

The Respondent answered the Board's questions.

MOTION: Dr. Spiekerman moved to approve license application. Dr. Maitem seconded.

VOICE VOTE: The motion carried unanimously. 6-0-0-0-1-0.

6–Ayes, 0–Nays, 0–Abstained, 0–Recused, 1–Absent, 0–Vacant

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

The Licensee was present with attorney David Cohn. The Board took the above-referenced case out of order.

Dr. Cunningham moved to enter Executive Session for discussion of confidential medical information. Dr. Maitem seconded. The Board entered Executive Session at 4:21 p.m. and returned to Open Session at 4:28 p.m.

The Board determined to dismiss the complaint with no basis to proceed.

C. Brandon William Eisinger, DO DO-19-0072A License No. N/A

The Applicant was present and not represented by legal counsel. The Executive Director provided a summary for the Board.

The Applicant stated that on March 24, 2018, he had been dating a woman and that evening they had gone out with some friends. During that evening they had gotten into a verbal argument. He stated that later that evening they were at his apartment and the got into another argument and he had asked her to leave and she would not leave. He stated he did push

her out of the way, and that she called the local police. He stated that the charges did get dropped and he did not get convicted of anything. He stated he understands that his actions were wrong and that he should have made different choices.

The Respondent answered the Board's questions.

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

VOICE VOTE: The motion carried unanimously. 5-0-0-0-2-0.

5–Ayes, 0–Nays, 0-Abstained, 0-Recused, 2-Absent, 0-Vacant

D. Kyle Blaine Mitts, DO DO-19-0067A License No. N/A

The Applicant was present and not represented by legal counsel. The Board took the above-referenced case out of order. He disclosed a yes answer on his application. He disclosed an arrest on his application. He pled no contest and paid a fine.

The Respondent provided an explanation and events surrounding his arrest and answered the Board's questions.

MOTION: Dr. Maitem moved to approve the license application. Mr. Burg seconded.

VOICE VOTE: The motion carried unanimously. 5-0-0-0-2-0.

5–Ayes, 0–Nays, 0-Abstained, 0-Recused, 2-Absent, 0-Vacant

E. Kirk Dominic Cianciolo, DO DO-19-0069A License No. N/A

The Respondent was not present and not represented by legal counsel. Staff noted that Dr. Cianciolo was unable to attend in person.

The Board directed staff to place the matter on the next agenda and directed that Dr. Cianciolo be present.

F. Mansi D. Dave, DO DO-19-0070A License No. N/A

The Respondent was present and not represented by legal counsel. The Board took the above-referenced case out of order.

The Applicant disclosed a yes answer on her application. The Applicant provided the information to the Board and provided a statement as to her actions.

The Respondent answered the Board's questions.

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

VOICE VOTE: The motion carried unanimously. 5-0-0-0-2-0.

5–Ayes, 0–Nays, 0-Abstained, 0-Recused, 2-Absent, 0-Vacant

G. Christopher Teofil Neagra, DO DO-19-0073A License No. N/A

The Applicant was present and not represented by legal counsel. The Board took the above-referenced case out of order. The Applicant disclosed a yes answer on his application. The Applicant provided the information to the Board and provided a statement as to his actions.

The Respondent answered the Board's questions.

MOTION: Dr. Maitem moved to approve license application. Dr. Spiekerman seconded.

VOICE VOTE: The motion carried unanimously. 6-0-0-0-1-0.

6–Ayes, 0–Nays, 0-Abstained, 0-Recused, 1-Absent, 0-Vacant

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

A. Oral Proceeding regarding the Proposed Rule Changes.

Staff has submitted a notice of proposed rulemaking in the Arizona Administrative Register on April 12, 2019, Vol. 25, Issue 15. Mr. Bohall provided the Board with minor language changes to simplify the application process and reduce delays. The Board reviewed the proposed changes and accepted them. The Board did not receive any written comments at the time of the meeting.

B. Board Approved PHP Assessors, Monitors, And Group Facilitators

Mr. Bohall provided a report regarding the list of Board approved Assessors, Monitors and Group Facilitators.

MOTION: Dr. Cunningham moved to approve the list of Assessors, Monitors and Group Facilitators. Mr. Burg seconded.

VOICE VOTE: The motion carried unanimously. 5-0-0-0-2-0.

5–Ayes, 0–Nays, 0–Abstained, 0–Recused, 2–Absent, 0–Vacant

10. 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 present for the Board Meeting.

11. REVIEW, CONSIDERATION, AND ACTION ON REPORTS FROM EXECUTIVE DIRECTOR, BOARD MEMBERS, AND ASSISTANT ATTORNEY GENERAL.

A. Report on Executive Director Dismissed Complaints

Mr. Bohall provided an update to the Board.

B. President and Board Member Reports

No reports were provided.

C. Executive Director Report

1. Financial Report

Mr. Bohall provided an update to the Board.

2. Current Events that Affect the Board

Mr. Bohall provided an update to the Board.

3. Legislation Update

HB2569, SB1086, SB1402, SB1029, SB2519, SB1354, HB2519, HB2068, HB2068, HB2118, SB1096

Mr. Bohall provided an update to the Board regarding the bills listed on the agenda.

12. ADJOURNMENT

MOTION: Mr. Burg moved to adjourn the Board meeting. Dr. Matiem seconded.

VOICE VOTE: The motion carried unanimously. 5-0-0-0-2-0.

5–Ayes, 0–Nays, 0–Abstained, 0–Recused, 2–Absent, 0–Vacant

The Board adjourned at 4:45 p.m.