



Governor
Douglas A. Ducey

**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY**

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Board Members:
Gary A. Erbstoesser, D.O., Pres.
Jonathan A. Maitem, D.O., V.P.
Jeffrey H. Burg, AIF
Dawn K. Walker, D.O.
Ken S. Ota, D.O.
Samara Shipon, D.O.
Michael Goodman

Executive Director
Justin Bohall

MINUTES FOR VIRTUAL MEETING OF THE

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY

Held on Saturday, June 11, 2022

1. CALL TO ORDER

Board President Erbstoesser called the meeting to order at 8:35 a.m.

President Erbstoesser thanked the Board members and staff for facilitating today’s proceedings and read aloud 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

	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Present	X	X	X	X	X	X	X
Absent							

Other Board Staff Present during the Board Meeting:

	Justin Bohall, Executive Director	Lindsey Castro, Deputy Director	Barbara Prah-Wix, DO	Jeanne Galvin, AAG	Seth Hargraves, AAG	Meaghan Cool	Carla Corral
Present	X	X	X	X	X	X	X
Absent							

3. CALL TO THE PUBLIC

- A. President Erbstoesser welcomed the Medical Students from Midwestern University Arizona College of Osteopathic Medicine, A.T. Still University Kirksville College of Osteopathic Medicine, and A.T. Still University School of Osteopathic Medicine in Arizona.
- B. No individuals addressed the Board during the meeting's Call to the Public portion.

4. REVIEW, CONSIDERATION, AND APPROVAL OF MINUTES

- A. March 26, 2022, Open Session

MOTION: Vice-President Maitem moved for the Board to approve the March 26, 2022, Open Session Minutes.
SECOND: Dr. Shipon
VOTE: 4-aye, 0-nay, 3-abstain, 0-recuse, 0-absent.
MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	4	X	X			X	X	
Nay:	0							
Abstain/ Recuse:	3			X	X			X
Absent:	0							

B. March 26, 2022, Executive Session

The Board continued the approval of the Executive Session Minutes to the next Board meeting.

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

A. DO-21-0048A, Daniel Hoag, DO, Lic# 3582

Dr. Hoag participated in the virtual meeting during the Board’s consideration of this matter. Dr. Hoag was represented by legal counsel Renee Coury.

Dr. Hoag provided a summary of his education, training, current position, and practice setting. Ms. Coury advised she would like to hear the case review before speaking on behalf of Dr. Hoag.

Dr. Prah provided a summary of the case. Patient, DG, was seen several times at Dr. Hoags’ practice from November 2015 to December 2015. The patient was initially seen by a Physician's Assistant (“PA”) from Dr. Hoags’ practice. The patient was seen for her yearly physical, and a mammogram was ordered and performed on November 6th, 2015, by SimonMed. SimonMed contacted Dr. Hoags’ office and informed the office about the areas of concern and the next steps to take. SimonMed stated they informed the patient of this information as well. The patient was seen by Dr. Hoag for other concerns in December, and there was no discussion regarding the abnormal mammogram or need for further studies. SimonMed contacted Dr. Hoags’ office to advise that the patient had not responded to their multiple attempts to reach the patient. A medical assistant (“MA”) for a provider from Dr. Hoags’ office contacted the patient to inform the patient she needed more testing due to the abnormal mammogram results. The patient stated she knew SimonMed had been attempting to contact her and stated, “ this happens every year.” Per the MA, the patient also stated she had seen Dr. Hoag and that Dr. Hoag did not think it was “a big deal.” The patient had been seen by Dr. Hoag several times for other medical concerns, but there was no mention of the abnormal mammogram.

The patient returned on November 6th, 2016, for her annual exam and was seen by a provider from Dr. Hoags’ office, and a screening mammogram was ordered. SimonMed informed Dr. Hoags’ office that

the patient had yet to get the diagnostic mammogram from the previous year. The diagnostic mammogram was performed on December 27th, 2016, and biopsies were ordered as a result. Based on the mammogram and biopsies, the patient was diagnosed with breast cancer.

Dr. Hoag provided a summary of how his staff is trained to handle patient results and the follow-up procedures, which include calling the patient and sending a certified letter if applicable. Dr. Hoag stated that patients are aware of these procedures. Dr. Hoag provided an explanation of the patient's non-compliance and the steps taken to address or inform her of the recommendations. Dr. Hoag reiterated that his office followed the protocols set in place and attempted to communicate the importance of getting testing done to the patient.

Dr. Erbstoesser asked if there was a way to put a reminder on a concerned case or follow-up study. Dr. Hoag informed the Board his office does call a patient back several times and makes sure they know their results, and in some cases, as previously stated, a certified letter is sent. Dr. Hoag mentioned he is open to getting another system.

Dr. Maitem asked about the patient's compliance, and Dr. Hoag stated this patient had been the most non-compliant patient since starting his practice. Dr. Matiem inquired if Dr. Hoag reviews a patient's chart before their appointment and sees what needs to be followed up on with the patient. Dr. Hoag said that he does look back in the charts, but there are no pop-ups to say if a patient has followed through on a recommended test or treatment.

Dr. Ota questioned Dr. Hoag about his EMR system and its age and the ability to update or make changes to the system. Dr. Hoag stated that he has been using the EMR since 2006 and would look at making changes to an updated EMR system that allows for ticklers.

Dr. Hoag wanted to be sure the Board knew that he never told the patient, as previously stated, that he did not think it was a "big deal." Dr. Hoag stated he would never tell a patient with an abnormal mammogram not to bother with it.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to dismiss the case.

MOTION: Mr. Burg moved for dismissal.

SECOND: Dr. Walker

VOTE: 5-aye, 2-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	5			X	X	X	X	X
Nay:	2	X	X					
Abstain/ Recuse:	0							
Absent:	0							

B. DO-22-0016A, Gerald B. Harris II, DO, Lic# 4027

Dr. Harris and Attorney David Williams participated in the virtual meeting during the Board’s consideration of this matter.

Dr. Harris provided a summary of his history and training as well as his current work environment to the Board.

Board staff reported that the complainant alleged the physician engaged in an intimate relationship over the course of 4 years. The patient alleges that the physician terminated care without proper notice. The patient was discharged as a patient in November of 2021. Board staff conducted an interview with the physician prior to the Board meeting. During the interview, the physician admitted that he had traveled to Germany with the patient as alleged in the complaint but that he stayed in a different room than the patient. He also admitted that he had been to the patient’s home for a BBQ.

Mr. Williams provided a statement on behalf of the physician. Mr. Williams stated that the Consultant's summary of the case was accurate. The doctor, through his attorney, admits that he had a relationship with the patient and that he tried to sever the intimate relationship when he realized that he was in violation of state statute. Dr. Harris affirmed the statement of his counsel. The Board expressed concern that Dr. Harris was not forthcoming in his interview with Dr. Prah and Ms. Castro. Dr. Erbstoesser questioned the doctor about when the relationship started. Dr. Harris stated that it occurred when they traveled to Germany together. He asserted that the termination of the patient relationship was proper and that he was available for emergency treatment for 30 to 60 days but that she was informed to seek care with a new provider.

MOTION: Vice-President Maitem moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Mr. Burg

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

The Board entered into Executive Session at 10:23 a.m.
The Board returned to Open Session at 10:43 a.m.
No legal action was taken by the Board during Executive Session.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to issue a disciplinary order of censure with two years of probation with terms.

MOTION: Vice-President Maitem moved for the Board to issue a disciplinary order of censure with a two-year probationary period with a requirement that the physician complete the PACE Ethics and Boundaries Course within six months and is required to have a female chaperone present for all patient exams with female patients for engaging in a sexual relationship with a patient in violation of A.R.S. § 32-1854(6), (19), (43). The CME hours shall be in addition to the hours required for license renewal.

SECOND: Dr. Shipon

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

C. DO-19-0249A, Ryan Pinnell, DO, Lic. #006954

Dr. Pinnell participated in the virtual meeting during the Board’s consideration of this matter. Dr. Pinnell was represented by legal counsel Doug Cullins.

Dr. Pinnell provided a summary of his history and training as well as his current work environment to the Board.

Board staff provided a summary of the case that was reviewed by a Board Certified General Surgeon. The complainant is the wife of patient JF and states that Dr. Pinnell removed the incorrect mass on her husband's back even though Dr. Pinnell had examined the area in his office prior to the procedure. The patient developed a hematoma in that area, which required medical treatment, and due to this, the patient was unable to go to work. The correct mass was removed without incident.

Dr. Pinnell stated he documented the mass at the patient's initial visit and had the patient point out to him which mass was bothering him before surgery. The patient's wife was not present for the initial visit or in the pre-operative area. Dr. Pinnell met with the patient's wife after surgery and explained how everything went well. Dr. Pinnell was later called into the recovery room, and the patient's wife showed him another mass that was about 12 inches away on the same side of the upper back. Dr. Pinnell took the patient back to surgery and removed the other mass uneventfully the same day. The patient developed a hematoma at the initial mass area, and Dr. Pinnell was able to successfully evacuate the area. Dr. Pinnell stated that he has changed the way he documents and is more specific and detailed, so an error like this does not occur again.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to dismiss the case.

MOTION: Vice-President Maitem moved for dismissal.

SECOND: Mr. Burg

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

D. DO-19-0214A, Richard Thang Do Nguyen, DO, Lic. #4056

Dr. Nguyen participated in the virtual meeting during the Board’s consideration of this matter. Dr. Nguyen was represented by legal counsel Scott King.

Board staff provided a summary of the follow-up case. The complainant is the father of a 27-year-old patient. The patient was being seen at a methadone clinic while under the care of Dr. Nguyen. The complaint alleged that the physician continued to prescribe other controlled substances to the patient while under treatment for substance use. The patient did overdose and required Narcan in the emergency room. This case was originally heard by the Board on April 17th, 2021. At that time, Dr. Nguyen stated to the Board that he had made several changes to his practice. Previously, the Board required Dr. Nguyen to complete PACE, which he did complete, and the Board would review ten patient charts, with five from before changes and five charts after the course work was completed. Board staff reviewed all ten patient charts and found inconsistencies. Additionally, staff noted that Dr. Nguyen appeared to ignore prescribing concerns from specialists and dispensing pharmacies.

Dr. Nguyen read a statement to the Board that he has completed controlled substance courses and implemented what he had learned into his practice. He also stated that he stopped prescribing certain controlled substances during a 6-month time frame and would like the Board to take into consideration that he has not had any prior complaints with the Board and has complied with what the Board required of him.

MOTION: Vice-President Maitem moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Dr. Walker

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

The Board entered into Executive Session at 11:50 am.

The Board returned to Open Session at 12:01 pm.

No legal action was taken by the Board during Executive Session.

Mr. King made a statement that the standard of care from 2012 to the present has changed in regard to controlled substances. He stated that Dr. Nguyen has dramatically changed his practice, and he asks the Board to consider this when making their decision.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to issue a disciplinary order of censure for violation of the standard of care.

MOTION: Vice-President Maitem moved for the Board to issue a disciplinary order of censure in violation of A.R.S. § 32-1854(34), (39).

SECOND: President Erbstoesser

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

6. FORMAL HEARING CASE(S) / MOTION TO DEEM

The Board heard the below case out of order on the agenda.

A. DO-17-0077A, Kevin Kline, DO, Lic. #006727

Dr. Kline was not present during the Board’s consideration of this matter. Seth Hargraves, Assistant Attorney General (“AAG”), participated on behalf of the State and AAG Monique Coady was present to provide independent legal counsel to the Board.

AAG Hargraves stated that the complaint came from a former employer alleging that Dr. Kline had failed to complete medical records for several patients despite corrective action attempts. Dr. Kline has not been responsive nor cooperative with the Board regarding the complaint.

Initially, the Board moved this complaint to an investigative hearing; Dr. Kline was notified but did not respond. Due to a lack of cooperation & response from Dr. Kline, the complaint was moved to a formal hearing which was scheduled for April 19th, 2022. Notices were sent to all known addresses, but there was no response from Dr. Kline.

AAG Hargraves requested for the Board to deem the allegations admitted, adopt factual and legal allegations from the complainant and notice of hearings and findings of facts and conclusions of the law and suspend or revoke Dr. Kline’s license due to Dr. Kline’s failure to participate, respond and cooperate with the investigation.

Upon hearing the case and reviewing all materials provided, the Board made the following motions:

MOTION: Vice-President Maitem moved to deem allegations admitted.

SECOND: Mr. Burg

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

MOTION: Vice-President Maitem moved to adopt factual allegations and legal allegations from the complainant and notice of hearing and findings of facts and conclusions of the law.

SECOND: Mr. Goodman

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

Upon review and consideration of all materials presented, The Board accepted the States recommendation to revoke Dr. Kline's medical license.

MOTION: Vice-President Maitem moved to revoke Dr. Kline’s medical license.

SECOND: Mr. Burg

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

ROLL CALL

The Board recessed from 12:10 pm to 12:41 pm. A roll call was done to confirm the presence of a quorum.

	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Present	X	X	X	X	X	X	X
Absent							

The Board resumed the order on the scheduled agenda.

7. REVIEW, CONSIDERATION, AND ACTION ON APPLICATIONS FOR LICENSURE PURSUANT TO A.R.S. § 32-1822; PERMITS PURSUANT TO A.R.S. § 32-1829; AND RENEWALS OF LICENSES PURSUANT TO A.R.S. § 32-1825 (C-D) AND A.A.C. R4-22- 207.

A. DO-21-0121A, Ronald Baird, DO

Dr. Baird participated in the virtual meeting during the Board's consideration of this matter.

Board staff provided a summary of the case. The Board reviewed Dr. Baird's application for licensure at the December 4th, 2021 meeting. Board staff reported that Dr. Baird had not been forthcoming about relevant information on his application, including an ongoing investigation with the DEA and his loss of hospital privileges. At the December 4th Board meeting, an interim order was issued. Staff noted that prior to being sent notice, Dr. Baird had not complied with the interim order issued by the Board. On May 6th, 2022, Board staff sent Dr. Baird notice of his application for its review at the June 11th, 2022 meeting. Board staff was also notified that Dr. Baird had applied with the Hawaii Medical Board on March 6th, 2021, before applying for the Arizona Osteopathic Board on April 12th, 2021. The Hawaii Medical Board found that Dr. Baird failed to disclose his disciplinary and investigative history. The Hawaii Medical Board denied Dr. Baird's license for attempting to obtain a license through fraud, misrepresentation, or deceit. Dr. Baird did not disclose this denial to the Arizona Board.

Dr. Baird stated that he did not know he needed to disclose his Hawaii denial to the Board. Dr. Baird also informed the Board that he had many personal stressors and was not able to complete the interim order that the Board had issued.

MOTION: President Erbstoesser moved for the Board to enter into Executive Session to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

SECOND: Vice-President Maitem

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

The Board entered into Executive Session at 12:50 p.m.

The Board returned to Open Session at 1:04 p.m.

No legal action was taken by the Board during Executive Session.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion for denial of licensure.

MOTION: Vice-President Maitem moved for the Board to issue a denial of the license for failing to meet the required qualifications of licensure pursuant to A.R.S. §§ 32-1822(A)(6), 32-1854(9), (15), (18), (25).

SECOND: Mr. Burg

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

B. DO-22-0044A, Dale T. Ratcliffe, DO

Dr. Ratcliffe participated in the virtual meeting and his legal counsel, Flynn Carey, was also present during the Board’s consideration of this matter. Witnesses Dr. Sucher, MD, and Francine Farrell, were in attendance.

Board staff provided a summary of the case. Dr. Ratcliffe has applied for a PGT permit with the Board. Prior to the permit application in January 2007, Dr. Ratcliffe voluntarily surrendered his license after an arrest for illegal possession of narcotics, dangerous drugs, and drug paraphernalia. Dr. Ratcliffe applied for a license five years after the voluntary surrender in accordance with the statute. Dr. Ratcliffe has applied for the PGT permit with HonorHealth and is being supervised by Michel Sucher, MD., and Eric Lott, MD.

Dr. Ratcliffe stated he has applied for the HonorHealth Addiction Medicine Fellowship with Dr. Sucher and would start in July. Dr. Sucher stated that he had known Dr. Ratcliffe for seven years, and he is a changed man and is doing extraordinarily well. Dr. Sucher stated that all fellows have direct supervision, and as they proceed through the program, fellows have indirect supervision. Dr. Sucher also stated that he feels Dr. Ratcliffe is safe to participate in this fellowship.

The Board received comments on Dr. Ratcliffe’s treatment and rehabilitation over the past seven years from Francine Farrell, MS, LMFT, ICADC.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion for approval of the PGT permit.

MOTION: Vice-President Maitem moved for the Board to issue a PGT permit.

SECOND: Dr. Walker

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

C. DO-22-0003A, Robert Petruzzo, DO

Dr. Petruzzo participated in the virtual meeting during the Board's consideration of this matter.

Board staff provided a summary of the case. Dr. Petruzzo held an Arizona Osteopathic license from October 2009 to May 2019, when it expired for failure to renew. Dr. Petruzzo disclosed that an 805 report (peer review form) was filed against him in 2008 by Kaiser Medical Group and that his license was placed on 3-year probation in 2012. He completed all the terms of his probation, and his license was restored in 2015.

Dr. Petruzzo stated he completed all the terms of his probation, and there have been no other complaints filed against him. He also provided a summary of his current training and work. He was informed that his current workplace might need remote doctors in Arizona, and that is why he is requesting licensure in Arizona.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion for approval of unrestricted licensure.

MOTION: Vice-President Maitem moved for the Board to unrestricted licensure.

SECOND: Dr. Ota

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

D. DO-22-0039A, Willie C. Bruce, DO

The above-referenced case was granted a continuance and will be reviewed at a later date.

E. DO-22-0042A, Thomas J. Handeguand, DO, LIC. #2220

Dr. Handeguand and legal counsel, Paul Giancola, participated in the virtual meeting during the Board’s consideration of this matter.

Board staff provided a summary of the case. Board staff received Dr. Handeguand’s application for renewal on December 26th, 2021. Staff did not receive the required police and court documents until the end of April 2022. On the renewal, Dr. Handeguand disclosed that he pleaded guilty to a misdemeanor of disorderly conduct and was required to complete a 16-hour disorderly conduct program which he completed. Staff stated that they were not notified of the arrest within ten days as stated by A.R.S. § 32-3208. Staff also noted that Dr. Handeguand did not report this arrest on his license renewal in December 2019.

Dr. Handeguand apologized for failing to report in a timely manner and wasn’t aware of the reporting requirements. Dr. Handeguand expressed remorse and asked the Board to consider his time as a doctor with no complaints in their consideration of this matter. Mr. Giancola stated that this isolated incident for Dr. Handeguand would never happen again. Dr. Handeguand went on to give a summary of the incident that occurred.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion for approval of unrestricted licensure.

MOTION: Vice-President Maitem moved for the Board to unrestricted licensure.

SECOND: Dr. Ota

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

F.-G. DO-22-0031A, DO-21-0179A, Brittany Woodall, DO, PGT. #R3499

The above-referenced cases were granted a continuance and will be reviewed at a later date.

H. DO-22-0051A, Tahir Mahmood, DO

The above-referenced case was granted a continuance and will be reviewed at a later date.

I. DO-22-0052A, Charles Brimmer, DO

Dr. Brimmer participated in the virtual meeting during the Board’s consideration of this matter.

Board staff provided a summary of the case. Staff received a PGT application for Dr. Brimmer in April 2022. On the application, Dr. Brimmer disclosed an arrest in 2019 after attempting to leave a bar without paying the total due. Dr. Brimmer further disclosed he entered into a diversion program & was required to complete 16 hours of an alcohol and drug use/abuse program as well as pay a fine due to the arrest.

Dr. Brimmer apologized to the Board for the events that brought him here. Dr. Brimmer stated he was using the wrong card and tried to find his friends to remedy the situation, and that’s when the arrest occurred. Dr. Brimmer stated this situation helped him align his values and change who he was.

MOTION: Vice-President Maitem moved for the Board to enter into Executive Session for personal and confidential information and to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(2), (3).

SECOND: Dr. Erbstoesser

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

The Board entered into Executive Session at 1:55 p.m.
The Board returned to Open Session at 2:01 p.m.
No legal action was taken by the Board during Executive Session.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to issue a PGT permit.

MOTION: Mr. Burg moved for the Board to issue a PGT permit.
SECOND: Vice-President Maitem
VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

8. CONSIDERATION AND ACTION ON PROPOSED CONSENT AGREEMENTS, COMPLIANCE WITH TERMS OF BOARD ORDERS, AND REQUESTS TO MODIFY OR TERMINATE ORDERS

The Board heard the below case out of order on the agenda.

A. DO-17-0229A, DO-18-0076A, DO-20-0018A, Joseph Machuzak, DO, LIC. #N/A

Dr. Machuzak participated in the virtual meeting and his legal counsel, Flynn Carey, was also present during the Board's consideration of this matter. Seth Hargraves, Assistant Attorney General ("AAG"), participated on behalf of the State.

Board staff reported that Mr. Hargraves and Dr. Machuzak are asking that the Board consider whether to accept the State's offered consent agreement in the matter of Dr. Machuzak and requests to rescind the Board's motion to forward the cases to a formal hearing.

AAG Hargraves stated this case was initiated in July 2018 and was resolved by issuing a non-disciplinary order for continuing education to complete within six months. Dr. Machuzak was unable to complete the required continuing education and was granted an extension. Dr. Machuzak still did not comply with the order. An additional complaint was filed (DO-18-0076A), and the Board proceeded with an investigation and invited Dr. Machuzak to an investigative hearing, at which point Dr. Machuzak ceased communication with the Board. The Board voted and proceeded with a formal hearing. The State is asking the Board to adopt and accept the proposed consent agreement and vacate the hearing that is set for the end of the month.

Dr. Machuzak declined to make any comments. Legal counsel, Flynn Carey, addressed the Board and stated he agreed with AAG Hargraves' statement and that Dr. Machuzak has signed up for continuing education courses and is waiting on approval for some courses. AAG Hargraves & Mr. Carey also came to an agreement that if the Board accepts the consent, they also would like A.R.S 13-1855 (L) to be stricken from the agreement due to it not being applicable to the matter.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to adopt the proposed consent agenda as amended and to rescind the Board's motion to forward the referenced cases to formal hearing.

MOTION: President Erbstoesser moved for the Board to adopt the proposed consent agenda and to rescind the Board's motion to forward DO-17-0229A, DO-18-0076A, and DO-20-0018A to a formal hearing.

SECOND: Vice-President Maitem

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

9. 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 met with the medical students participating in the virtual meeting and discussed current issues surrounding the practice of osteopathic medicine.

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

A. Vacant - No discussion on this item occurred. The Board moved forward with the agenda.

11. REVIEW, CONSIDERATION, AND ACTION ON REPORTS FROM EXECUTIVE DIRECTOR.

A. Report from Board Members

Dr. Maitem provided a report on the FSMB annual meeting that was held in New Orleans, Louisiana.

B. Executive Director Report

1. Financial Report

Executive Director Bohall reported that the end of the current Fiscal Year is near, that the Board is on track to expend just under its appropriation, and that the Board has met its estimated revenue for the year.

2. Current Events that Affect the Board

The Board's next meeting is scheduled for August 13, 2022.

3. Licensing and Investigations Update

Director Bohall provided the Board with an update on the licensing and investigations processes.

4. Report on Director Dismissed Complaints

Director Bohall reported that 23 cases had been dismissed since the Board's last meeting.

12. ADJOURNMENT

MOTION: Vice-President Maitem moved for the Board to adjourn.

SECOND: Dr. Walker

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

The Board's meeting adjourned at 2:31 p.m.


Justin Bohall, Executive Director