



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

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

Held on Saturday, August 13, 2022

1. CALL TO ORDER

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

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- Med. Cons.	Jeanne Galvin, Assistant Attorney	Kellye Mykhailov, Operations Coord.	Meaghan Cool, Licensing Officer	Chris Andreyka, Licensing Officer
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 Call to the Public portion of the meeting.

4. REVIEW, CONSIDERATION, AND APPROVAL OF MINUTES

- A. March 26, 2022, Executive Session

MOTION: Vice-President Maitem moved for the Board to approve the March 26, 2022, Executive Session Minutes.
SECOND: President Erbstoesser
VOTE: 5-aye, 0-nay, 0-abstain, 2-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:	0							
Abstain/ Recuse:	2			X				X
Absent:	0							

B. June 11, 2022, General Session

MOTION: Vice-President Maitem moved for the Board to approve the June 11, 2022, General Session Minutes.

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							

C. June 11, 2022, Executive Session

MOTION: Vice-President Maitem moved for the Board to approve the June 11, 2022, Executive Session Minutes.

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							

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

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

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

A. DO-21-0005A, Alexander Lund, DO, Lic#007572

Dr. Lund participated in the virtual meeting during the Board's consideration of this matter. Dr. Lund was represented by legal counsel Artie Eaves.

Board staff provided a summary of the case. The complainant, CE, saw Dr. Lund on September 8th, 2020, for nose bleeds and right-side periorbital pain. A CT scan was performed on September 30th, and Dr. Lund was informed of abnormal results that showed a cranial mass. Dr. Lund decided to wait until he would see the patient at their next scheduled visit, October 13th, to inform the patient of the abnormal results. During the visit, Dr. Lund reviewed parts of the CT scan that had to do with the sinuses but failed to mention or review the abnormal findings with the patient. The patient had a grand mal seizure on October 20th, 2020, and further workup revealed the brain tumor.

Dr. Lund provided a summary of his history and training as well as his current work environment to the Board. Dr. Lund stated that during his career, he has never been subject to a complaint of this magnitude or had to come before the Board. Dr. Lund stated that this case has made him lose sleep, he has thought about how he can not let this happen again, and he expressed remorse to the patient for his failure to inform him of the abnormal results. Dr. Lund stated that the patient was fairly asymptomatic and thought it would be better to convey the abnormal CT results to the

patient face to face. At the follow-up appointment, Dr. Lund did go over the CT scan with the patient about his sinuses since that is his specialty but did not go far into the images to reveal the abnormal results, and seeing the patient did not jog Dr. Lund's memory like he thought it would. When Dr. Lund learned about the seizure, he did call the patient and spoke to his wife to apologize but was not able to speak to the patient.

Dr. Lund stated he had taken over 6 hours of CME courses on EHR systems and proper documentation. Dr. Lund's participation in these courses has made him able to set up reminders within his EHR systems to make sure not this doesn't happen again. Dr. Lund has reevaluated his processes with incidental findings and assured the Board this was an isolated incident.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to issue a non-disciplinary letter of concern secondary to failure to notify a patient and seek appropriate consultation for an abnormal finding.

MOTION: Vice-President Maitem moved for the Board to issue a non-disciplinary letter of concern for failure properly notify and then seek appropriate consultation of an abnormal finding on a CT Scan of a sinus with a finding of a meningioma.

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							

B. DO-22-0002A, Christopher Spiekerman, DO, Lic#3650

Board Members Shipon and Burg noted a potential conflict of interest in this case and recused from hearing the matter.

Dr. Spiekerman participated in the virtual meeting during the Board's consideration of this matter. Dr. Spiekerman was represented by legal counsel Claudia Stedman. Dr. Spiekerman 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. The complainant is the mother of patient, UK, and states she took her daughter to Dr. Spiekerman for a second opinion regarding the diagnosis of PANDAS. In December 2021, the complainant states her daughter began having body dysmorphia, anxiety, and OCD behaviors. The complainant states that when she was reluctant to use steroids for her daughter, Dr. Spiekerman became defensive and snapped at her, stating that he “was an expert in the field.” The complainant also alleges that Dr. Spiekerman told her that she needed to seek treatment for her undiagnosed OCD, ADHD, or generalized anxiety disorder. The patient was seen by her primary care doctor and in the emergency department several times in 2021, where the patient had symptoms of sore throat and fever. Tests that were performed came back normal.

Dr. Spiekerman stated that the patient met some of the clinical criteria for PANS/PANDAS. Dr. Spiekerman stated this disease can be as serious as cancer, and there’s a short window that it can be treated. Dr. Spiekerman was frightened for the child and wanted the patient to get treatment as soon as possible. Dr. Spiekerman stated he didn’t “read the room right” and could have done things better. Dr. Spiekerman stated he should've realized the patient's mother was overwhelmed and should have backed off in regards to using steroids for treatment. Dr. Spiekerman stated that he did not tell the patient’s mother to seek treatment for herself and it was a misunderstanding. Dr. Spiekerman advised the Board that he took 2 CME courses in evaluating difficult cases to help him become better. Dr. Spiekerman also stated he wasn’t aggressive in his tone with the patient’s mother but was just concerned and doing what he thought was best for the patient.

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. Ota

VOTE: 5-aye, 0-nay, 0-abstain, 2-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
Nay:	0							
Abstain/ Recuse:	0			X			X	
Absent:	0							

MOTION: President Erbstoesser moved for the Board to issue a non-disciplinary letter of concern for poor patient communication or poor communication with a patient’s surrogate regarding a diagnosis, recommended course of treatment, and potential follow-up care, as well as a non-disciplinary order for continuing medical education for 10 hours of CME in the subject matter Emotional Intelligence or Ethics and Boundaries to be completed within 6 months.

SECOND: Dr. Ota

VOTE: 5-aye, 0-nay, 0-abstain, 2-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:	0							
Abstain/ Recuse:	2			X			X	
Absent:	0							

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-22-0049A, Maurice Lyons, DO

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

Board staff provided a summary of the case. There was a malpractice case in 2015 that was settled in 2016. The patient in the malpractice case began complaining of abdominal pain one week after the procedure, and a CT scan revealed a surgical towel. The patient underwent an additional surgery to remove the surgical towel. Dr. Lyons was disciplined by the state of Colorado in 2017 in regards to the malpractice claim.

Vice-President Maitem stated that all questions about this case were answered in Dr. Lyons' letter of explanation and motioned to grant an unrestricted license.

MOTION: Vice-President made a motion to grant an unrestricted license.

SECOND: Dr. Shipon

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

MOTION PASSED.

	Vote	Gary Erbsfoesser, 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-22-0031A, Brittany Woodall, DO

The Board was advised that the applicant requested for her application to be withdrawn. The Board proceeded with the scheduled agenda.

C. DO-22-0075A, Tyler Pretzlaff, DO

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

Board staff provided a summary of the case. Dr. Pretzlaff initially answered no on the application and 2 months later changed the answer to yes. Dr. Pretzlaff was arrested in 2011 for possession of marijuana and paid all fines as well as completed an 8-hour drug education program, and the charges were dismissed. Dr. Pretzlaff applied for a PGT and did not disclose his arrest, and the permit was granted due to a background check not being required.

Dr. Pretzlaff apologized to the Board for failure to disclose the arrest. Dr. Pretzlaff stated it was a misunderstanding, and he was under the impression that he did not have to disclose this information after speaking with his lawyer, and it was an oversight on his part. Dr. Pretzlaff stated that he was not trying to be deceitful and that it is not in his nature to cover things up. Dr. Pretzlaff apologized for the misunderstanding and for having to appear before the Board.

MOTION: Vice-President made a motion to grant an unrestricted license.

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-20-0050A, Jeffery DeMoss, DO

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

Board staff provided a summary of the case. Dr. DeMoss disclosed a disciplinary action taken against his license by the Michigan Department of Licensing and Regulatory Affairs in 2018. Dr. DeMoss’s license was placed on probation, and he was fined \$5,250 for non-compliance with continuing education hours for renewal. Dr. DeMoss complied with the probation terms, and probation was lifted in 2019.

Dr. DeMoss stated he was practicing in Michigan and was fined for being behind on his CME courses but got everything cleared up with the Board of Michigan.

MOTION: Vice-President made a motion to grant an unrestricted license.

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							

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

A. DO-21-0167A, Jeremy Wray, DO

Dr. Wray was not present in the virtual meeting during the Board's consideration of this matter.

Board staff provided a summary of the case.

MOTION: President Erbstoesser moved for the Board to issue a non-disciplinary letter of concern as outlined in the consent agreement.

SECOND: Vice-President Maitem

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

MOTION PASSED.

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. Policy of Medical Malpractice Review

Board staff provided a summary of the request. The Board took no action at this time.

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

A. Report from Board Members

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

B. Executive Director Report

B. Executive Director Report

1. Financial Report

Executive Director Bohall reported that the Fiscal Year end process is currently underway, and an updated report will be provided at the next meeting.

2. Current Events that Affect the Board

The Board's next meeting is scheduled for October 1, 2022.

3. Licensing and Investigations Update

Director Bohall provided the Board with an update on the licensing and investigations processes. He noted that the initial licensure application process is not online and that staff is intaking applications via that portal.

4. Report on Director Dismissed Complaints

Director Bohall reported that 11 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 Erbsfoesser, 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 10:45 am.

Justin Bohall, Executive Director