



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, December 3, 2022

1. CALL TO ORDER

Board President Erbstoesser called the meeting to order at 8:37 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
Absent			X	X			

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 AG	Seth Hargraves, Assistant AG	Kellye Mykhailov, Operations Coord.	Mona Baskin, Assistant AG
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. President Erbstoesser made a call to the public. No one from the public requested to speak.

4. REVIEW, CONSIDERATION, AND APPROVAL OF MINUTES

- A. October 1, 2022, General Session

MOTION: Vice-President Maitem moved for the Board to approve the October 1, 2022, General Session Minutes.

SECOND: Dr. Shipon

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

B. October 1, 2022, Executive Session

MOTION: Vice-President Maitem moved for the Board to approve the October 1, 2022, Executive Session Minutes.

SECOND: Mr. Goodman

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

5. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON INTERIM SUSPENSION OF LICENSE ACCORDANCE WITH A.R.S.§32-1855 including a status update, possible referral to formal hearing or other remedies available to the Board .

A. DO-18-0155A & DO-19-0220A, Joseph Thompson, DO, LIC# 007732

Dr. Thompson participated in the virtual meeting during the Board’s consideration of this matter. Dr. Thompson was represented by legal counsel Lauren Weinzweig. James Ferguson, MD - Medical Director of the Testing facility was present to answer questions of the Board. Thomas Silva, PA was present to answer questions of the Board as Dr. Thompson's medical provider.

Board staff provided a review of Dr. Thompson’s history with the Board and previous orders.

In September of 2022 Board staff was notified that Dr.Thompson had tested positive for alcohol via a PEth test. Dr. Thompson alleged the positive test was a false positive. Board staff provided summaries of staff’s investigation and discussions with experts in the field.

Dr. Ferguson spoke with Board members and answered questions regarding the possibility of a false positive result on a PEth test.

Lauren Weinzweig spoke on behalf of Dr. Thompson stating that Dr. Thompson has complied with all Board orders since 2019 and was shocked when the PEth test came back positive.

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. Shipon
VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

The Board entered into Executive Session at 9:28 a.m.

The Board returned to Open Session at 9:50 a.m.

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

Vice-President Maitem stated the Board has a long history with Dr. Thompson and there are several red flags as to his conduct. He expressed that at this time there is a concern for the health, safety, and welfare of the public. Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to move the case to Formal Hearing recommending revocation of licensure.

MOTION: Vice-President Maitem moved for the Board to move the case to Formal Hearing and recommended the Revocation of the license.
SECOND: Dr. Shipon

**VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

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

A. DO-22-0082A, Michael Aranda, DO, LIC# 3831

Dr. Aranda participated in the virtual meeting during the Board’s consideration of this matter. Dr. Aranda provided a summary of his training and current work.

Board staff provided a summary of the case. The Arizona Board of Pharmacy notified the Board that Dr. Aranda failed to query the CSPMP from April 2022 - June 2022 when prescribing controlled substances.

Dr. Aranda stated that in his private practice he does not have many patients that require pain management. From April to June, the prescriptions were given to hospice patients, and where the majority of the opioids were prescribed. Dr. Aranda advised the Board that his EMR system and the CSPMP are now integrated. Dr. Aranda stated he would have checked the CSPMP before if the systems were in place before and would have followed all protocols. Dr. Aranda stated that he checks the CSPMP for both his regular patients and his hospice patients. Dr. Aranda advised Board members how his protocols have improved since learning of the complaint from the Arizona Board of Pharmacy.

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 motioned for the Board to dismiss the case.

SECOND: Dr. Walker

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

B. Case Granted a Continuance.

C. DO-20-0027A, Sharon Boyer DO, LIC# 4163

Dr. Boyer participated in the virtual meeting during the Board’s consideration of this matter. Dr. Boyer was not represented by legal counsel. Dr. Boyer provided a summary of her training and current work.

Board staff provided a summary of the case. Patient SC complained that she was unable to obtain medical records from Dr. Boyer. The patient stated that the clinic where she was treated informed her that Dr. Boyer had kept her own records and the clinic did not have access to them since Dr. Boyer had left the practice. During the Investigation, Staff was unable to reach Dr. Boyer and she did not submit a Board response.

Dr. Boyer stated that she has tried to pay the fees for the medical records but since she is unemployed she did not have the money for it. Dr. Boyer stated that her medical records were transferred to the new EMR system at the clinic and the records for patient SC should still be at the clinic.

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: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

The Board entered into Executive Session at 11:03 a.m.
The Board returned to Open Session at 11:10 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 dismiss the case.

MOTION: President Erbstoesser motioned for the Board to dismiss the case.

SECOND: Vice-President Maitem

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

D. Case Granted a Continuance.

E. Case Granted a Continuance.

F. DO-20-0004A, Ian Parker DO, Lic #4176

Dr. Parker participated in the virtual meeting during the Board's consideration of this matter. Dr. Parker was represented by legal counsel Scott Holden. Dr. Parker provided a summary of his training and current work.

Board staff provided a summary of the case. The complainant is the daughter of patient AB. The patient was seen at the emergency room in January 2018 for swelling of the hand. Dr. Parker performed an abscess drainage and foreign body removal. The patient was seen at another hospital on January 18th, 2018, and alleged to have had a large foreign body still present in the wound. The Board's investigation attempted to obtain the medical records however, staff was unable to do so as the hospital closed and the records were not maintained.

Dr. Parker stated that he believes that the doctor who removed the additional foreign body may have been mistaken about the dimensions of the object. Dr. Parker explained to the Board how he performed the procedure and also advised that the patient did well during the procedure.

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 motioned for the Board to dismiss the case.

SECOND: Dr. Erbstoesser

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

G. DO-22-0064, Semone Rochlin DO, Lic #4462

Dr. Rochlin participated in the virtual meeting during the Board’s consideration of this matter. Dr. Rochlin was represented by legal counsel Flynn Carey. Patient JS was also present for the virtual meeting. Dr. Rochlin provided a summary of her training and current work.

Board staff provided a summary of the case. The complainant is patient JS who underwent a neck lift and was dissatisfied with the results. Patient JS also stated she was left alone in the procedure room while Dr. Rochlin went to go get lunch. Patient JS also advised that there were dogs going in and out of the procedure room. The outside medical consultant who reviewed this case believed Dr. Rochlin may have fallen below the standard of care when it came to proper documentation and consent forms.

Dr. Rochlin stated that since this incident her office has implemented an EMR system. Dr. Rochlin explained to the Board her procedures for signing and obtaining consent from patients.

Patient JS stated that Dr. Rochlin did not provide a verbal overview of the consent forms. She further stated that she was awake and left for an amount of time and didn’t feel it was a professional environment. Patient JS stated the whole experience was not what she expected.

Dr. Rochlin stated that she has a sterile procedure room and follows all sterile techniques. She also stated that she does have emotional support animals but they are not enter into a procedure room. Dr. Rochlin disagreed that the patient was left on the table for any amount of time. She stated that there is always someone in the room. Dr. Rochlin stated that her documentation has improved since the complaint. Mr. Carey also stated that Dr. Rochlin has completed CME to address the documentation concerns.

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: President Erbstoesser

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

The Board entered into Executive Session at 12:15 p.m.
 The Board returned to Open Session at 12:19 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 non-disciplinary letter of concern and a non-disciplinary letter for 10 hours continuing medical education for Patient Communication and Documentation to be completed within 6 months.

MOTION: Vice-President Maitem moved for the Board to issue a non-disciplinary letter of concern and a non-disciplinary letter for 10 hours continuing medical education for Patient Communication and Documentation to be completed within 6 months.

SECOND: Mr. Goodman

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

7. FORMAL HEARING CASE(S) / MOTION FROM THE STATE.

A. DO-20-0167A, Scott Markham, DO, LIC# 4498

This case was taken out of order on the agenda.

AAG, Seth Hargraves, on behalf of the state provided a history of the actions of this matter. During the investigation, the Board’s medical consultant found no violations in the standard of care. The State is requesting the Board rescind its previous vote for an investigative hearing and to consider alternative options for complaint resolution due to there being no deviation from the standard of care as detailed in the outside medical consultant’s report.

MOTION: Vice-President Maitem moved for the Board to rescind the case from Investigative Hearing and Formal Hearing to allow the Board to consider alternative actions.

SECOND: Mr. Goodman

**VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

**MOTION: Vice-President Maitem moved for the Board to dismiss the case.
SECOND: President Erbstoesser
VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

B. DO-17-0258A & DO-18-0077A, Jamison Mark Foster, DO, LIC #006198

This case was taken out of order on the agenda.

AAG, Seth Hargraves, on behalf of the state provided a summary of the case. These matters were opened as a result of two malpractice settlement notifications that were provided to the Board. A proposed consent agreement was presented to the Board which involves a practice restriction from performing surgeries and would not be lifted until the Board was presented evidence Dr. Foster possesses the skills

and knowledge to engage in medical practice. Staff notes that Dr. Foster’s license is currently suspended and that this practice restriction would run separately from the suspension and would not be automatically lifted should Dr. Foster’s license be reinstated.

MOTION: Vice-President Maitem moved for the Board to accept the consent agreement.

SECOND: Dr. Walker.

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

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	6	X	X			X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	1			X	X			

Mr. Hargraves and Ms. Baskin left the meeting at the conclusion of this matter and did not return for the duration of the meeting. The Board returned to the order of cases as listed on the agenda.

8. 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-22-0132A, Jack Hinkle

Dr. Hinkle participated in the virtual meeting during the Board’s consideration of this matter. Dr. Hinkle was not represented by legal counsel.

Board staff provided a summary of the case. Dr. Hinkle disclosed a yes answer on his application in regards to a malpractice case. The malpractice case alleged that the patient was diagnosed with pancreatitis and later passed away.

Dr. Hinkle stated the patient had tried to lose weight and was intolerant to certain medications which were documented. Dr. Hinkle reviewed some of the patient’s medical history.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to grant an unrestricted license.

MOTION: Vice-President Maitem motioned for the Board to grant an unrestricted license.

SECOND: Dr. Shipon

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

B. DO-22-0111A, Brandon Covert

Dr. Covert participated in the virtual meeting during the Board’s consideration of this matter. Dr. Covert was not represented by legal counsel.

Board staff provided a summary of the case. Dr. Covert disclosed three yes answers on his application with regard to malpractice cases, probation during residency, and an arrest.

Dr. Covert provided details regarding his malpractice cases. Dr. Covert stated he was unable to recall the reason for the probation during residency. Dr. Covert did advise that he got into an argument with an attending physician but was not able to provide more information. Dr. Covert confirmed he was arrested for a DUI over 20 years ago and charged with indecent exposure when he pulled over to urinate.

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: Mr. Goodman

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

The Board entered into Executive Session at 1:18 p.m.
The Board returned to Open Session at 1:45 p.m.
No legal action was taken by the Board during Executive Session.

Dr. Covert stated that he believes there is an error in information the Board has received and doesn't believe he was on probation twice.

Upon hearing the summary of the case and reviewing all materials provided, the Board determined to continue the case for further investigation regarding Dr. Covert's probation during residency.

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. The Board approved the meeting dates for calendar year 2023.

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

- 1. Financial Report

Director Bohall provided the Board with an update on the Board’s budget and fiscal year 2023

2. Current Events that Affect the Board

The Board’s next meeting is scheduled for January 20, 2023.

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 entirely online. Staff is reporting the online application process is going well.

4. Report on Director Dismissed Complaints

Director Bohall reported that seven cases had been dismissed since the Board’s last meeting.

12. ADJOURNMENT

MOTION: Vice-President Maitem motioned to adjourn the meeting.

SECOND: Dr. Shipon

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 2-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:	0							
Absent:	2			X	X			

The Board’s meeting adjourned at 2:36pm.

Justin Bohall, Executive Director

DRAFT