



**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 Friday, January 20, 2023

1. CALL TO ORDER

Board President Erbstoesser called the meeting to order at 8:32 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
Absent					X		

Jeffrey Burg joined the meeting at 8:37 am.

Jeffrey Burg left the meeting at 10:15 am for the duration of the meeting.

Samara Shipon, DO left the meeting at 1:00 pm for the duration of the meeting.

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	Christopher Andreyka, Licensing	Kellye Mykhailov, Operations Coord.	Irma Dominick, Licensing
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. December 3, 2022 Regular Session

MOTION: Vice-President Maitem motioned to approve the December 3, 2022, Regular Session Minutes

SECOND: Dr. Shipon

VOTE: 4-aye, 0-nay, 1-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:	4	X	X				X	X
Nay:	0							
Abstain/ Recuse:	1				X			
Absent:	2			X		X		

B. December 3, 2022 Executive Session

MOTION: Vice-President Maitem motioned to approve the December 3, 2022, Executive Session Minutes.

SECOND: President Erbstoesser

VOTE: 4-aye, 0-nay, 1-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:	4	X	X				X	X
Nay:	0							
Abstain/ Recuse:	1				X			
Absent:	2			X		X		

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

A. DO-20-0169, Michael Gehman, DO

Dr. Gehman participated in the virtual meeting during the Board’s consideration of this matter. Dr. Gehman was represented by legal counsel Nate Ryan. Dr. Gehman provided a summary of his educational background and work.

Board staff provided a summary of the case.

The complainant is the husband of patient KC, the complainant states Dr. Gehman discharged his wife with IV antibiotics for a urinary tract infection. The complainant feels that the long-term use of the IV antibiotics caused the patient to have an altered mental status. When the complainant attempted to contact Dr. Gehman to state his wife had not improved, Dr. Gehman referred the patient to the ER but did not return any future phone calls. The patient was a 70-year-old female who was admitted to Banner Ironwood in July 2020 for fatigue, weakness, chest pain, and altered mental status. After being discharged, the patient had several ER visits in 2020 and eventually passed away in September 2020. The case was reviewed by a Board Certified Infectious Disease doctor who stated that there was a lack of documentation, the duration of IV therapy was excessive based on the infectious disease guidelines, and no clear follow-up guidance in the doctor's notes.

Dr. Gehman stated that he does not have an outpatient facility to follow up with patients. He stated if any of the labs are out of range then he will contact the patient. Dr. Gehman also stated he attempted to contact the patient's primary care and was unsuccessful. Dr. Gehman provided the Board with an explanation as to why he provided a longer IV therapy to the patient. Dr. Gehman also provided the Board with how records are kept and the continuity of care. Dr. Gehman advised the Board that the patient's husband was very difficult to deal with especially when it came to what medications the patient should or should not take. Dr. Gehman advised that he is not sure what he could do differently to make his practice better except to insist the ER keeps a patient until he can see them.

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: Mr. Burg

VOTE: 5-aye, 0-nay, 0-abstain, 0-recuse, 1-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	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	1					X		

B. DO-21-0151, Howard Robinson, DO

Vice-President Maitem rescued himself from hearing the case as he has a previous relationship with the respondent physician.

Dr. Robinson participated in the virtual meeting during the Board's consideration of this matter. Dr. Robinson provided a summary of his education and current work.

Board staff provided a summary of the case.

In the complaint Patient AR states she began to have side effects after starting Zubsolv including waking up in the middle of the night gasping for air. She states Dr. Robinson advised this was due to her anxiety and did not attempt to wean her off the medication. Dr. Robinson had seen the patient several times and there was no indication as to why the patient was on Zubsolv when the patient was documented to be taking Suboxone in the medical records. Board staff reached out to Dr. Robinson's office to obtain a more complete Board response and more complete medical records and Dr. Robinson refused this request.

Dr. Robinson stated to the Board that the patient was never on Suboxone because her insurance would not cover it and that is why she was taking Zubsolv. Dr. Robinson stated she did not mention the side effects that she was having and was verbally abusive to staff. Dr. Robinson also stated the records the Board received were the only records he had. Dr. Robinson also felt he answered the Board's questions adequately in his Board response. Dr. Robinson stated that they do check the CSPMP site regularly but that it is not documented in the medical records.

Board members questioned Dr. Robinson about his current protocols regarding the patient's being seen for substance abuse and Dr. Robinson's medical training with substance abuse. Dr. Robinson advised that his medical records were showing an error when it showed that the patient was on both Suboxone and Zubsolv.

MOTION: President Erbstoesser motioned for the Board to move into Executive Session for legal advice.

SECOND: Dr. Shipon

VOTE: 5-aye, 0-nay, 0-abstain, 1-recuse, 1-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:	1		X					
Absent:	1					X		

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to issue an Interim Order.

MOTION: Dr. Shipon motioned for the Board to issue an Interim Order for an evaluation of the physician's ability to practice in the specialty as a Substance Use Disorder provider and a review of this physician's record-keeping practices by the UC San Diego PACE program to be scheduled with 30 days and to be completed within 6 months.

SECOND: Dr. Ota

VOTE: 5-aye, 0-nay, 0-abstain, 1-recuse, 1-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:	1		X					
Absent:	1					X		

C. DO-22-0077, Patrick Heenan, DO

Dr. Heenan participated in the virtual meeting during the Board's consideration of this matter and was represented by legal counsel, Cody Hall. Dr. Heenan provided a summary of his education and current work.

Board staff provided a summary of the case.

The Arizona Pharmacy Board notified the Arizona Board of Osteopathic Medicine that Dr. Heenan failed to query the CSPMP when prescribing controlled substances from December 2021 to February 2022. Dr. Heenan advised the Board that he did not know he was required to query the CSPMP but has now implemented running the query into his practice.

Dr. Heenan advised that when the system was first implemented it was being used for new patients but after the system was upgraded it stopped working. Dr. Heenan asked his staff to follow up with the company and the ball was dropped. After receiving a letter from the Board, Dr. Heenan had his staff contact the company and found out his email was input incorrectly. Dr. Heenan advised the Board that he stopped querying the CSPMP for "a couple of years" due to technical difficulties as well as other issues during the recent pandemic.

Mr. Hall stated that Dr. Heenan has taken courses in continuing education showing that Dr. Heenan is trying to stay up to date in regard to opioids. Mr. Hall advised that Dr. Heenan did not realize querying the CSPMP was mandatory for all patients since they were long-term patients and not new patients. Mr. Hall stated this should not happen in the future since Dr. Heenan has taken the steps to make sure the CSPMP is being queried.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to issue an Administrative Warning.

MOTION: Vice-President Maitem motioned to issue an Administrative Warning and require eight hours of CME to be completed within six 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		

6. 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-22-0157, Marc Kolpon

Dr. Kolpon participated in the virtual meeting during the Board’s consideration of this matter and was represented by legal counsel, Cody Hall.

Board staff provided a summary of the case.

In December 2016, a 33-week pregnant female went to the emergency room for a headache and was seen by Dr. Kolpon. Dr. Kolpon stated the patient had protein in her urine and was transferred to OB services which happened within 2 hours of the patient being seen. The patient had an emergency c-section but the baby suffered an anoxic brain injury and is now permanently disabled.

Dr. Kolpon stated the patient came in the morning and did not report any other symptoms except for a headache. Dr. Kolpon stated the UA arrived 90 minutes after being ordered STAT. Once the UA was received the patient was immediately moved to OB. Dr. Kolpon stated he had multiple doctors review his case and they all agreed with his care in this case.

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

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

SECOND: Dr. Ota

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

MOTION PASSED.

	Vote	Gary Erbsfoesser, 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-22-0111, Brandon Covert

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

Board staff provided a summary of the case and provided an update on the information gathered since the December 3, 2022, Board meeting.

During the last Board meeting, Dr. Covert’s residency probation was discussed and the Board was informed by the Dean of his residency that Dr. Covert was on probation twice but Dr. Covert had not recollection of a second probation. After the December 3 meeting staff contacted Dr. Covert’s residency program again and the residency program reviewed the files and stated there was no clear or reliable evidence notifying Dr. Covert that a secondary probation was begun or that he was notify of a termination ended.

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: 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		

C. DO-22-0142, Lisa McAfee

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

Board staff provided a summary of the case.

Dr. McAfee made disclosures on her application that needed further review by the Board.

Dr. McAfee disclosed that she had been placed on suspension in 2015 as an attending physician due to a nurse questioning Dr. McAfee’s technique of a “nipple maneuver” as a painful stimulus. Dr. McAfee stated that when it came to the possible patient abuse, she tried other methods of stimuli to wake the patient but was only able to alert the patient by using a “nipple maneuver”. Dr. McAfee advised that the nurse questioned her technique but once the information was shared with the Medical Executive Committee, she was cleared to return to seeing patients. Members of the Board disagreed with Dr. McAfee’s technique and stated that this maneuver is not the preferred method to use and that to some members recollection it has not been in use for over 20 years.

Dr. McAfee had a second disclosure in which she was allowed to resign from a position in lieu of termination due to the suspicion that she was intoxicated. The information of the resignation is contained in the Board’s investigative file.

MOTION: President Erbstoesser motioned for the Board to move into Executive Session for possible legal advice and confidential information.

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		

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to proceed as discussed in Executive Session.

MOTION: Dr. Shipon motioned for the Board to proceed as discussed in the Executive Session.

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		

7. QUESTION AND ANSWER SESSION BETWEEN THE MEDICAL STUDENTS AND MEMBERS OF THE BOARD AND DISCUSSION RELATING TO ISSUES SURROUNDING THE PRACTICE OF OSTEOPATHIC MEDICINE.

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

A. Federation of State Medical Board Annual Meeting - May 4-6 in Minneapolis, MN

The Board was provided verbal information about the FSMB annual meeting in May. The Board took no action on this matter.

9. 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
2. Current Events that Affect the Board
3. Licensing and Investigations Update
4. Report on Director Dismissed Complaints

Executive Director Bohall provided a verbal update for the Board. Executive Director Bohall advised the Board there was been 12 dismissed complaints since the last Board meeting.

10. ELECTIONS OF OFFICERS PURSUANT TO A.R.S. § 32-1802(B).

A. President of the Board

Dr. Erbstoesser opened the floor for nominations of Board President for Calendar Year 2023. There was only one nomination for president. Dr. Erbstoesser closed the nominations and called the question.

MOTION: Vice-President Maitem motioned for the Board to elect Dr. Erbstoesser for President.

SECOND: Mr. Goodman

VOTE: 4-aye, 0-nay, 0-abstain, 0-recuse, 3-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:	0							
Absent:	3			X		X	X	

B. Vice-President of the Board

Dr. Erbstoesser opened the floor for nominations of Board Vice-President for Calendar Year 2023. There was only one nomination for vice-president. Dr. Erbstoesser closed the nominations and called the question.

MOTION: President Erbstoesser motioned for the Board to elect Dr. Maitem for Vice-President

SECOND: Dr. Ota

VOTE: 4-aye, 0-nay, 0-abstain, 0-recuse, 3-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:	0							
Absent:	3			X		X	X	

11. Adjournment

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

SECOND: President Erbstoesser

VOTE: 4-aye, 0-nay, 0-abstain, 0-recuse, 3-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:	0							
Absent:	3			X		X	X	

The Board's meeting adjourned at 1:24pm.

Justin Bohall, Executive Director