



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, June 30, 2023 at 8:30 am

1. CALL TO ORDER

Board President Erbstoesser called the meeting to order at 8:34 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				

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	Diane DeDea, Assistant AG	Kellye Mykhailov, Operations Coord.	Irma Dominick, Licensing
Present	X	X	X	X	X	X	X
Absent							

3. CALL TO THE PUBLIC

A. President Erbstoesser made a call to the public. No one from the public requested to speak.

4. REVIEW, CONSIDERATION, AND APPROVAL OF MINUTES

A. May 20, 2023 Open Session

MOTION: Vice-President Maitem motioned to approve May 20, 2023, Open Session minutes

SECOND: Dr. Shipon

VOTE: 6-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. May 20, 2023 Executive Session

MOTION: Vice-President Maitem motioned for the Board to approve the May 20, 2023, Executive Session minutes.

SECOND: Dr. Shipon

VOTE: 6-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				

5. REVIEW, DISCUSSION, AND POSSIBLE ACTION ON MATTERS SET FOR FORMAL HEARING.

A.R.S. §32-1855, including establishing settlement options and delegation of authority.

A. DO-23-0015A, E. Griffin Cipolla, DO

Dr. Cipolla was represented by legal counsel, Flynn Carey, during the Board's discussion of the matter. Dr. Cipolla was not present. The Board's independent legal counsel Diane DeDea was also present for this matter.

President Erbstoesser motioned for the Board to move into Executive Session.

MOTION: President Erbstoesser motioned for the Board to move to Executive Session for review of confidential medical information and legal advice pursuant to A.R.S. § 38-431.03(A)(2) & (A)(3).

SECOND: Vice-President Maitem

VOTE: 6-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				

The Board entered into Executive Session at 8:38 a.m.
The Board returned to Open Session at 8:48 a.m.
No legal action was taken by the Board during Executive Session.

MOTION: President Erbstoesser motioned for the Board to delegate authority to the Executive Director to settle the case with terms as discussed in Executive Session.

SECOND: Vice-President Maitem

VOTE: 6-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				

At the conclusion of this matter, Diane DeDea, Assistant Attorney General left the meeting and did not return for the duration.

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

A. DO-22-0151A, Linda Sodoma, DO

Dr. Sodoma participated in the virtual meeting during the Board's consideration of this matter. Dr. Sodoma was represented by legal counsel, Steven Bollington. Dr. Sodoma provided a summary of her education and current work experience.

Board staff provided a summary of the case.

The complainant stated Dr. Sodoma started her on testosterone before getting lab work and did not explain how to do the injections. The complainant was seen by a new doctor who told the complainant the dose was too high and 4x's higher than normal. The Board's Board Certified OB-GYN felt Dr. Sodoma fell below the standard of care in that the history documented was inaccurate, the physical exam was incomplete and no documented discussion about the use of testosterone and risks associated with it.

Dr. Sodoma stated when she met the patient the patient appeared desperate due to her symptoms and the first visit does not include a physical exam and that would usually happen on the second or third visit. Dr. Sodoma stated she closed the chart prior to her finishing her conversation with the patient due to wanting to speak face to face with the patient. Dr. Sodoma stated, although not documented, she did inform the patient of the risk and benefits of testosterone use.

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 for failing to document when a completed gynecological examination was to occur, lack of laboratory results being obtained to establish base levels prior to the prescribing of injectable hormones, and incomplete documentation of the patient's medication instructions as well as the patient's mental health history.

MOTION: Vice-President Maitem motioned for the Board to issue a Non-Disciplinary Letter of Concern.

SECOND: Dr. Walker

VOTE: 6-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-23-0027A, Joshua Zeidler, DO

Dr. Zeidler participated in the virtual meeting during the Board’s consideration of this matter. Dr. Zeidler was represented by legal counsel Mr. Kevin Nicholas. Dr. Zeidler provided a summary of his education and current work experience.

Board staff provided a summary of the case.

The case is a malpractice case that was self reported by Dr. Zeidler. The case alleges that Dr. Zeidler failed to obtain adequate diagnostic testing on a 77 year old male who fell from a chair and hurt his shoulder. The patient had a significant heart history including stents being placed 6 days before being seen by Dr. Zeidler. The x-ray of the shoulder was normal. The Board Certified Emergency Medicine doctor who reviewed the case felt the Dr. Zeidler fell below the standard of care due to inadequate history being obtained, failing to obtain the patient’s baseline functioning and certain diagnostic tests were not completed. The patient did pass away several days later.

Dr. Zeidler stated that the patient had told him this had happened before and his only complaint was his shoulder pain. He denied any breathing difficulties, chest pain and was interactive with Dr. Zeidler and his Physician Assistant. Dr. Zeidler stated that the patient should have been in peak performance due to recently being seen and having stents placed.

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 for inadequate documentation and improper supervision of a Physician Assistant.

MOTION: Vice-President Maitem motioned for the Board to issue a Non-Disciplinary Letter of Concern.

SECOND: President Erbstoesser

VOTE: 6-aye, 0-nay, 0-abstain, 0-recuse, 1-absent.

MOTION PASSED.

	Vote	Gary Erbsfoesser, 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				

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-23-0079A, Adam Schulte, DO

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

Board staff provided a summary of the case.

Dr. Schulte had a yes answer on his initial application regarding discipline during his fellowship and subsequent termination from his fellowship due to unprofessional conduct. Dr. Schulte stated he was dismissed from his fellowship due to speaking up about a his supervisor having an affair with a resident. Dr. Schulte was also denied clinical privileges at Hoag Hospital for misrepresenting his credentials in 2018.

Dr. Schulte confirmed his previous statement to the Board that he believes he was terminated from his fellowship due to speaking out about a his supervisor having an affair with a resident. Dr. Schulte stated that he was not made aware of what Hoag Hospital felt he misrepresented in his application.

Upon hearing the summary of the case and reviewing all materials provided, the Board directed staff to continue the investigation and return the case to the Board at a future meeting.

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

There were no student’s in attendance at this meeting. The Board proceeded with the Agenda as scheduled.

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

A. Potential Draft Language for Statutory Changes

Mr. Bohall provided a summary of the Board’s current statute and requested the Board direct the Statute and Legislative Committee to review the recommendations and make suggestions for changes.

The Board directed staff to convene the Statute and Legislative Committee and authorized the Board’s Executive Director to obtain a bill sponsor and have a draft bill docket opened for the next legislative session.

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

A. Report from Board Members

The Board members had nothing to report and therefore proceeded with the Agenda as scheduled.

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.

11. Adjournment

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

SECOND: President Erbstoesser

VOTE: 6-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				

The Board’s meeting adjourned at 10:53 am.

Justin Bohall, Executive Director