



**ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY**  
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**Board Members:**  
Jonathan A. Maitem, D.O., Pres  
Samara Shipon, D.O., V.P.  
Gary A. Erbstoesser, D.O.  
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 MEETING OF THE  
ARIZONA BOARD OF OSTEOPATHIC EXAMINERS IN MEDICINE AND SURGERY**

**Held on Saturday, March 30, 2024, at 8:30 am, at**

**1740 West Adams Street, Board Room A, Phoenix, Arizona 85007 as well as virtually.**

**1. CALL TO ORDER**

Board President Maitem called the meeting to order at 8:45 am.

President Maitem 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
<b>Present</b>	X	X			X	X	X
<b>Absent</b>			X	X			

**At 8:51 A.M., Dr. Erbstoesser left the meeting and did not return for the duration.**

**Other Board Staff Present during the Board Meeting:**

	<b>Justin Bohall, Executive Director</b>	<b>Lindsey Castro, Deputy Director</b>	<b>Barbara Prah-Wix, DO- Med. Cons.</b>	<b>Jeanne Galvin, Assistant AG</b>	<b>Christopher Andreyka, Licencing</b>	<b>Kellye Mykhailov, Operations Coord.</b>	<b>Irma Dominick, Licencing</b>
<b>Present</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Absent</b>							

**3. CALL TO THE PUBLIC**

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

**4. REVIEW, CONSIDERATION, AND APPROVAL OF MINUTES**

A. December 2, 2023, Open Session

**MOTION: Dr. Erbstoesser motioned to approve December 2, 2023, Open Session minutes.**

**SECOND: Dr. Walker**

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

**MOTION PASSED.**

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

B. December 2, 2023, Executive Session

**MOTION: Mr. Goodman motioned to approve December 2, 2023, Executive Session minutes.**

**SECOND: Dr. Erstoesser**

**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. January 26, 2024, Open Session

**MOTION: Dr. Walker motioned to approve January 26, 2024, Open 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			

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

A. DO-21-0164A, Cynthia Medina, DO

Dr. Medina was present for the Board’s consideration of the matter.

Board staff provided a summary of the case.

The complainant stated that she was a patient of Dr. Medina’s for several years. She was scheduled to have an MRI in August of 2021 and called Dr. Medina’s office for a sedative for the MRI. After an initial phone call with Dr. Medina’s office, subsequent phone calls and messages were not returned. The patient canceled her MRI due to not being able to obtain a sedative. The complainant had mentioned in a message to Dr. Medina’s office that she would start looking for another doctor. The complainant stated that she had one more appointment remaining so she was shocked when her diabetic medication was not refilled due to her being marked “inactive” in the system at Dr. Medina’s office.

Dr. Medina provided a summary of her current work and practice. Dr. Medina stated that her actions in the complaint were not below the standard of care and it is part of their office policy to mark a patient chart “inactive” when they state they are leaving the practice and will not receive a discharge notice. Dr. Medina also stated that her office did respond to messages that the complainant had left. Dr. Medina also advised the Board that the complainant was not compliant with her suggestions for the treatment of the patient’s pain.

Upon hearing the summary of the case and reviewing the provided materials, the Board made a motion to issue a Non-Disciplinary Letter of Concern.

**MOTION: Vice-President Shipon motioned for the Board to issue a Non-Disciplinary Letter of Concern pursuant to A.R.S. §32 1854-19 (6) (34) (43) (45).**

**SECOND: President Maitem**

**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
<b>Aye:</b>	<b>4</b>		X			X	X	X
<b>Nay:</b>	<b>0</b>							
<b>Abstain/ Recuse:</b>	<b>0</b>							
<b>Absent:</b>	<b>3</b>	X		X	X			

B. DO-22-0001A, Sommer Gunia, DO

Dr. Gunia was present for the Board's consideration of the matter. Dr. Gunia's legal counsel, Fynn Carey, was also present.

Board staff provided a summary of the case.

On January 6, 2022, Dr. Gunia self-reported a DUI that happened on December 24, 2021. Dr. Gunia pleaded guilty to extreme DUI and completed all requirements imposed by the court as of July 2023.

**MOTION: President Maitem motioned for the Board to move to Executive Session for legal advice pursuant to A.R.S. § 38-431.03 (A)(3).**

**SECOND: Vice-President Shipon**

**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
<b>Aye:</b>	<b>4</b>		X	X		X	X	
<b>Nay:</b>	<b>0</b>							
<b>Abstain/ Recuse:</b>	<b>0</b>							
<b>Absent:</b>	<b>3</b>	X			X			X

The Board entered into Executive Session at 9:35 a.m.

The Board returned to Open Session at 9:41 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 Non-Disciplinary Letter of Concern.

**MOTION: Vice-President Shipon motioned for the Board to issue a Non-Disciplinary Letter of Concern pursuant to A.R.S. § 32-1854 (19).**

**SECOND: President Maitem**

**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

**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-23-0126A, John York, DO

Dr. York was present for the Board’s consideration of the matter. Dr. York’s legal counsel, Robert Milligan, was also present.

Board staff provided a summary of the case.

Executive Director Bohall advised the Board that a consent agreement was discussed and provided the Board with the terms of the agreement.

Dr. York provided a summary of his work experience, qualifications, and what he plans to do if he is granted a license to practice in Arizona.

Upon hearing the summary of the case review and provided materials, the Board made a motion to move to accept the proposed consent agreement for licensure.

**MOTION: Vice-President Shipon motioned for the Board to accept the terms of the consent agreement for licensure.**

**SECOND: President Maitem**

**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

**7. CONSIDERATION AND ACTION ON PROPOSED CONSENT AGENDA FOR DISMISSAL OR OTHER ACTION.**

Review, discussion, and possible action on consent to Dismiss or take other action. The Board may vote to approve all items on a consent agenda; however, any one member of the Board may remove a consent agenda item from the vote, and request discussion at the current meeting or a future meeting.

**A. DO-21-0116A, Dung Thanh Anh Nguyen, DO**

Dr. Nguyen was not present during the Board’s consideration of the matter

Board staff provided a brief summary of the consent agenda for review by the Board.

Upon hearing the summary and review of the provided materials, the Board made a motion to accept the consent agenda as presented and issue a Non-Disciplinary Letter of Concern.

**MOTION: President Maitem motioned to accept the consent agenda as presented and issue a Non-Disciplinary Letter of Concern.**

**SECOND: Vice-President Shipon**

**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

## 8. COMPLIANCE REVIEW

**Review, discussion, and action relating to the review of compliance with board orders or other remedies available to the Board.**

The Board took the following case out of order. President Maitem recused himself from hearing the case and Dr. Shipon assumed the role of chair for this portion of the meeting.

### A. DO-21-0151A, Howard Robinson, DO

Vice-President Shipon called the case to order. Dr. Robinson was not present for the Board's consideration of the matter. President Maitem recused himself for the duration of the case.

Board staff provided a summary of the previous case from January 2023. The Board directed Board staff to open a new complaint and move the complaint to a formal hearing due to non-compliance with the interim order.

Upon hearing the summary and review of the provided materials, the Board made a motion to open a new complaint and move the case to the formal hearing.

**MOTION: Dr. Shipon motioned for the Board to open a new complaint and move the case to a formal hearing with the Office of Administrative Hearings.**

**SECOND: Dr. Erbstoesser**

**VOTE: 4-aye, 0-nay, 0-abstain, 1-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
<b>Aye:</b>	<b>4</b>	X				X	X	X
<b>Nay:</b>	<b>0</b>							
<b>Abstain/ Recuse:</b>	<b>1</b>		X					
<b>Absent:</b>	<b>2</b>			X	X			

**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 medical students to discuss topics and issues related to the practice of osteopathic medicine. No action was taken on this item.

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

**A. Response to Letter from the Governor regarding a Decision-making Rubric**

The Board discussed the Governor’s letter and directed staff to gather additional information from other Arizona boards regarding disciplinary matrices. Additionally, the Board provided guidance on the creation of a preliminary draft based on the Ohio Medical Board’s example document. Board staff will draft a preliminary copy and return it to the Board for review and discussion along with any additional documents or information obtained by Board staff.

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

**A. Report from Board Members**

The Board members had nothing to report.

**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.

**12. Adjournment**

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

**SECOND: Mr. Goodman**

**VOTE: 4-aye, 0-nay, 0-abstain, 0-recuse, 3-absent.**

**MOTION PASSED.**

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

**The Board's meeting adjourned at 10:37 am.**

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**Justin Bohall, Executive Director**