



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 Friday August 9, 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 8:32 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

	Jonathan Maitem, DO	Samara Shipon, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Michael Goodman	
Present	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	Christopher Andreyka, Licencing	Kellye Mykhailov, Operations Coord.	Irma Dominick, Licencing
Present	X	X	X	X		X	X
Absent					X		

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. May 17, 2024 Open Session

MOTION: Dr. Walker motioned to approve May 17, 2024 , Open Session minutes.

SECOND: Vice President Shipon

VOTE: 3-aye, 0-nay, 2-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:	3		X			X	X	
Nay:	0							
Abstain/ Recuse:	2				X			X
Absent:	2	X		X				

B. May 17, 2024 Executive Session

MOTION: Dr. Walker motioned to approve May 17, 2024, Executive Session minutes.
SECOND: Vice President Shipon
VOTE: 3-aye, 0-nay, 2-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:	3		X			X	X	
Nay:	0							
Abstain/ Recuse:	0				X			X
Absent:	3	X		X				

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

A. DO-22-0130A, Bryce Olsen, DO

Dr. Olsen was not present for the Board’s consideration of the matter

Board staff provided a summary of the case that was provided on May 17, 2024.

Upon hearing the summary of the case review and provided materials, the Board made a motion to forward the case to Formal Hearing and in the interim Board staff may accept voluntary surrender of the license.

MOTION: President Maitem motioned for the Board to forward the case to Formal Hearing and in the interim Board staff may accept voluntary surrender of the license.
SECOND: Dr. Walker
VOTE: 3-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:	5		X		X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	2	X		X				

B. DO-24-0018A, Patrick Nemechek, DO

Dr. Nemechek was present virtually for the Board’s consideration of the matter. Dr. Nemechek’s legal counsel, Claudia Stedman, was also present virtually.

Board staff provided a summary of the case.

The complainant is the pediatrician for patient JK. The complainant states JK’s mother came to her office requesting an antibiotic for her child as part of the “Nemechek Protocol” to help their ADHD and autism symptoms. It was also noted that Dr. Nemechek has no formal training in pediatrics or children with autism.

Dr. Nemechek stated that he takes the concerns very seriously but he does not believe there is evidence to support the complaint. Dr. Nemechek stated he does not treat autism but he treats inflammation and states it can help symptoms of autism, diabetes etc. Dr. Nemechek stated his protocols are supplemental and not meant to take the place of traditional therapies.

MOTION: President Maitem motioned for the Board to move to Executive Session for Confidential Information and legal advice pursuant to A.R.S. § 38-431.03 (A)(2) &(3).

SECOND: Vice President 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 9:27 a.m.
The Board returned to Open Session at 9:43 a.m.
No legal action was taken by the Board during Executive Session.

Upon hearing the summary of the case review and provided materials, President Maitem directed Board staff to conduct a review of a minimum of 10 patient charts varying in age ranges and to subpoena a list of all patients treated by Dr. Nemecheck in the last year.

The case is continued at this time and will be reviewed at a future meeting.

C. DO-21-0083A, Stephen Williams, DO

Dr. Williams was present virtually for the Board’s consideration of the matter. Dr. Williams was not represented by legal counsel.

Board staff provided a summary of the case.

The complainant is patient RC who was seen at HonorHealth Clinic in December 2015 for several medical problems. He was seen by Dr. Williams in 2018 for a follow up after a fall that resulted in shoulder pain. He was prescribed medication and the test results were normal. Patient was seen multiple times in 2019 and did not complain of chest pain. In hindsight, Dr. Williams felt he should have ordered a cardiac workup on two occasions when the patient complained of burning in their chest.

Dr. Williams stated that after reviewing the charts, there were several instances where he could have served the patient better. Dr. Williams also advised the Board that he was not able to see where you fell below the standard of care but he does believe he could have done better for the patient and does not feel there is a pattern of being dismissive or negligent.

Upon hearing the summary of the case review and provided materials, the Board made a motion to issue a Non-Disciplinary Letter of Concern for failing to recognize symptoms that may have led to an earlier diagnosis.

MOTION: President Maitem motioned for the Board to issue a Non-Disciplinary Letter of Concern for failure to recognize symptoms that may have led to an earlier diagnosis.

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				

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-24-0098A, Tawny Avila, DO

Dr. Avila was present virtually for the Board’s consideration of the matter. Dr. Avila was not represented by legal counsel

Board staff provided a summary of the case.

Dr. Avila submitted an application for licensure in November 2023 and answered “No” to question 6. During review of the application, staff became aware that Dr. Avila had been put on probation on 2 separate occasions between 2012 and 2015. The program did confirm that Dr. Avila did successfully remediate the issues and completed the program.

Dr. Avila stated that she only understood that she was placed on probation once and states that she put that in her application. Dr. Avila stated that when she realized she put no, she tried to put something at the end of the application stating that she did not mean to put no but that maybe it did not come through to the Board.

Upon hearing the summary of the case review and provided materials, the Board made a motion to issue a full unrestricted license.

MOTION: Dr. Walker motioned for the Board to a full unrestricted license

SECOND: Vice President 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				

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

A. DO-23-0161A, Mark Pyle, DO

Dr. Mark Pyle was not present for the Board’s consideration of this matter.

Upon hearing the summary of the case review and provided materials, the Board made a motion to accept the terms of the consent agenda.

MOTION: President Maitem motioned for the Board to accept the terms of the consent agenda

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. DO-24-0066A, Nicholas Bastiampillai, DO

Dr. Bastiampillai was not present for the Board’s consideration of this matter.

Upon hearing the summary of the case review and provided materials, the Board made a motion to accept the terms of the consent agenda.

MOTION: President Maitem motioned for the Board to accept the terms of the consent agenda

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				

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.

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

- A. Review and Approval of Risk Category, Disciplinary Matrix, Referral to Law Enforcement and Sexual Misconduct Investigations Policy

10. 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 including 30 Executive Dismissed complaints since the May Board meeting.

11. Adjournment

MOTION: Mr. Goodman motioned for the Board to adjourn.

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				

The Board's meeting adjourned at 10:55 am.

Justin Bohall, Executive Director