



**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 October 5, 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 8:36 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	Gary Erbstoesser, DO
Present	X	X			X	X	
Absent			X	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	Ryan Dominick, Investigator	Kellye Mykhailov, Operations Coord.	Irma Dominick, Licensing
Present	X	X	X	X	X	X	X
Absent							

3. CALL TO THE PUBLIC

- A. President Maitem made a call to the public. WT appeared before the Board to make a statement regarding the licensure process.

4. REVIEW, CONSIDERATION, AND APPROVAL OF MINUTES

- A. August 9, 2024 Open Session

MOTION: Dr. Walker motioned to approve August 9, 2024 , Open Session minutes.

SECOND: Mr. Goodman

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

MOTION PASSED.

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

- B. August 9, 2024 Executive Session

MOTION: Mr. Goodman motioned to approve August 9, 2024, Executive Session minutes.
SECOND: Vice President Shipon
VOTE: 4-aye, 0-nay, 0-abstain, 0-recuse, 3-absent.
MOTION PASSED.

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

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

A. DO-24-0013A, Narinder Brar, DO

Dr. Brar was present virtually for the Board’s consideration of the matter. Dr. Brar’s legal counsel, Michael Tamm, was present virtually as well.

Mr. Goodman recused himself from the case. A quorum of the Board Members present at the meeting reviewed the case.

Board staff provided a summary of the case.

This is a malpractice case involving a 46-year-old woman who underwent a D&C. After the procedure, Dr. Brar used a foley catheter to control persistent bleeding, but the catheter ruptured. The patient was discharged without active bleeding. However, she later experienced heavy vaginal bleeding and was found to have retained products of conception.

Dr. Brar provided the Board with a summary of her school and work experience. Dr. Brar stated that her understanding of the word “rupture”, in medical terms, means an opening and not that the foley catheter was shredded. Dr. Brar stated that she would have advised the patient of a foreign body but did not believe there was a foreign body left behind.

Upon hearing the summary of the case review and provided materials, the Board made a motion to issue a Letter of Concern for failure to remove a foreign body and failure to discuss the presence of a foreign body with the patient.

MOTION: President Maitem motioned for the Board to issue a Non-Disciplinary Letter of Concern for failure to remove foreign body and failure to discuss presence of the foreign body with the patient.

SECOND: Vice-President Shipon

VOTE: 3-aye, 0-nay, 0-abstain, 1-recuse, 3-absent.

MOTION PASSED.

	Vote	Jonathan Maitem, DO	Samara Shipon, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Michael Goodman	Gary Erbstoesser, DO
Aye:	3	X	X			X		
Nay:	0							
Abstain/ Recuse:	1						X	
Absent:	3			X	X			X

B. DO-24-0107A, Charles Finch, DO

Dr. Finch was present virtually for the Board’s consideration of the matter. Dr. Finch’s legal counsel, Scott Holden, was also present virtually.

President Miatem recused himself from the case. Vice-President Shipon presided over the case in the president’s absence. A quorum of the Board Members present at the meeting reviewed the case.

Board staff provided a summary of the case.

This is a malpractice case involving a 26 year old female patient who presented to the emergency room with a severe headache over her left eye. The patient also reported fogginess and one episode of difficulty with word finding. The case was turned over to Dr. Finch at the end of shift and once laboratory work was received and showed normal results the patient was discharged. A couple days later the patient’s parents found her with blood around her mouth, she was taken to the emergency room where she continued to deteriorate and passed away.

Dr. Finch provided a summary of his schooling and practice experience. Dr. Finch stated that he believed that he and his team did everything appropriately for the patient and that the cerebral venous thrombosis developed after he had seen the

patient. Dr. Finch stated the patient had a history of migraines and that the symptoms of a cerebral venous thrombosis and migraines are similar. Additionally, Dr. Finch advised the Board that even if imaging was performed a cerebral venous thrombosis is very difficult to detect. Dr. Finch expressed his sympathies and condolences to the patient's family.

Upon hearing the summary of the case review and provided materials, the Board made a motion for dismissal of the matter.

MOTION: Vice-President Shipon motioned for the Board to Dismiss the case.
SECOND: Mr. Goodman
VOTE: 3-aye, 0-nay, 0-abstain, 1-recuse, 3-absent.
MOTION PASSED.

	Vote	Jonathan Maitem, DO	Samara Shipon, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Michael Goodman	Gary Erbstoesser, DO
Aye:	3		X			X	X	
Nay:	0							
Abstain/ Recuse:	1	X						
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-24-0126A - The Applicant withdrew their application from consideration. The Board continued with the agenda as presented.
- B. DO-24-0127A, Tyler Evans, DO

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

Board staff provided a summary of the case.

Dr. Evans disclosed that when applying for a Kentucky license he did not disclose a malpractice and malpractice settlement to the Kentucky Board. Board staff received documentation confirming the action in Kentucky.

Dr. Evans stated that it was a clerical error and the answer was not marked correctly. After a fine was paid, Kentucky granted him a full license to practice medicine.

The Board members stated that the application is a legal document and it is important the physician is filling out the application and not anyone else.

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

MOTION: Vice President Shipon motioned for the Board to issue a full unrestricted license.

SECOND: President Maitem

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

MOTION PASSED.

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

C. DO-24-0134A, Bernadro Chavira, DO

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

Board staff provided a summary of the case.

Dr. Chavira stated that he saw a bunch of cars driving to a parking lot and was curious where they were going because he likes cars. The police showed up and he was arrested. He spent one night in jail and has not been in trouble with the law since.

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: Dr. Walker

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

MOTION PASSED.

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

The Board entered into Executive Session at 943 a.m.

The Board returned to Open Session at 9:51 a.m.

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

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

MOTION: President Maitem motioned for the Board to issue a full unrestricted license.

SECOND: Mr. Goodman

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

MOTION PASSED.

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

D. DO-24-0133A, Sumbal Ahkter, DO

Dr. Ahkter was present virtually for the Board's consideration of the matter. Dr. Ahkter's legal counsel, Zaheer Shah, was also present virtually.

Board staff provided a summary of the case.

Dr. Ahkter disclosed on her application that she was placed on academic probation during her PGY2 due to concerns related to application of medical knowledge and development of patient plans for a new patient on the Family Medicine Service.

Mr. Shah addressed the Board on behalf of Dr. Ahkter. Mr. Shah stated that Dr. Ahkter displayed to her attending physician some difficulty with multitasking skills necessary to write a complete medical plan. Due to this she was placed on probation and upon review of her work and progress, she was later removed from academic probation. During this time she gained acceptance to a Psychiatry Residency Program.

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

MOTION: Vice President Shipon motioned for the Board to issue a full unrestricted license.

SECOND: President Maitem

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

MOTION PASSED.

	Vote	Jonathan Maitem, DO	Samara Shipon, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Michael Goodman	Gary Erbstoesser, DO
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

A. DO-22-0024A, Sheldon Wagman, DO

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

Board staff provided a summary of the case.

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 consent agenda as presented.

SECOND: Vice President Shipon

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

MOTION PASSED.

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

8. COMPLIANCE REVIEW

A. DO-17-0066A, Kevin M. McKeown, D.O.

Dr. McKeown was present for the Board's consideration of the matter. Board staff provided a summary of the case and Dr. McKeown's compliance with his probation. Dr. McKeown provided a statement to the Board and responded to the Board's questions. Upon hearing the summary of the case review, provided materials, and statements from the respondent, the Board made a motion to terminate probation.

MOTION: President Maitem motioned for the Board to terminate probation

SECOND: Mr. Goodman

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

MOTION PASSED.

	Vote	Jonathan Maitem, DO	Samara Shipon, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Michael Goodman	Gary Erbstoesser, DO
Aye:	4	X	X			X	X	
Nay:	0							
Abstain/ Recuse:	0							
Absent:	3			X	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. Review and Approval of Risk Category, Disciplinary Matrix, Referral to Law Enforcement and Sexual Misconduct Investigations Policy

Staff provided a summary of the proposed changes. The Board discussed the changes and made a motion to approve the changes to the policy as discussed.

MOTION: President Maitem motioned for the Board to accept the proposed changes.

SECOND: Vice President Shipon

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

MOTION PASSED.

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

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
- Sunset Audit Report Review
3. Licensing and Investigations Update
4. Report on Director Dismissed Complaints

Executive Director Bohall provided a verbal update for the Board including 27 Executive Dismissed complaints since the August Board meeting.

12. Adjournment

MOTION: President Maitem motioned for the Board to adjourn.

SECOND: Mr. Goodman

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

MOTION PASSED.

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

The Board's meeting adjourned at 10:36 am.

Justin Bohall, Executive Director