



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 November 15, 2024, at 9:00 am, at

1740 West Adams Street, Phoenix, Arizona 85007 as well as virtually.

1. CALL TO ORDER

Board President Maitem called the meeting to order at 9:02 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. No member of the public wished to speak.

4. REVIEW, CONSIDERATION, AND APPROVAL OF MINUTES

A. October 5, 2024 Open Session

MOTION: Dr. Walker motioned to approve October 5, 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. October 5, 2024 Executive Session

MOTION: Dr. Walker motioned to approve October 5, 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-22-0135A, Ayad Agha, D.O.

Dr. Agha was not present in person or virtually for the Board’s review of the case. The Board made a motion to move the case to Formal Hearing and added an allegation of ARS§32-1854(27).

MOTION: Dr. Walker motioned for the Board to move the case to Formal Hearing and add an allegation of ARS§32-1854(27).
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

B. DO-24-0078A, Mia Van Eken, DO

Dr. Van Eken was not present in person or virtually for the Board’s review of the case. The Board made a motion to move the case to Formal Hearing.

MOTION: Dr. Walker motioned for the Board to move the case to Formal Hearing.

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

C. DO-24-0059A, Eileen Chang, DO

Dr. Chang was present virtually for the Board’s review of the matter. Dr. Chang was represented by Legal Counsel, Callie Maxwell.

Board staff provided a summary of the case. The Complainant is a pharmacist who informed the Board that Dr. Chang had been prescribing medications to her father in law for the last 2 years. The Board did review the CSPMP and confirmed that Xanax was prescribed to the patient. A urine drug screen was not documented and no CSPMP query obtained.

Ms. Maxwell provided a statement on behalf of Dr. Chang. Dr. Chang does agree and has already started the process of finding a new provider for her father in law and there is no chance it will happen again.

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. 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

The Board entered into Executive Session at 9:26 a.m.

The Board returned to Open Session at 9:33 a.m.

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

The Board returned to open session and upon hearing the summary of the case review and provided materials, the Board made a motion to direct Board staff to conduct a 10 patient chart review of patients that were prescribed opioids in the last 2 years and if there is no concerns with the Respondent's prescribing the complaint is dismissed with the issuance of a non-disciplinary letter of concern for prescribing a controlled substance to an immediate family member. The Board specified that if there were further concerns with the Respondent's prescribing then the case is to be returned to the Board at Investigative Hearing.

MOTION: President Maitem motioned for the Board staff to conduct a 10 patient chart review and dismiss the complaint with a letter of concern.

SECOND: Vice-President Shipon

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

MOTION PASSED.

D. DO-24-0064A, Abigail Moore, DO

Dr. Moore was present virtually for the Board's review of the matter. Dr. Moore's legal counsel was not present for the matter.

Board staff provided a summary of the case. The Complainant is Blue Cross Blue Shield. BCBS stated that they were billed for services not rendered. Dr. Moore's license expired May 1, 2023 and she obtained new licensure on July 6, 2023. Board staff confirmed with Board members how often renewal notices are sent out to help providers remember to renew their license.

Dr. Moore provided a summary of her work and experience. Dr. Moore stated she did stop treatment on patients once she was made aware that her license was expired and the billing BCBS mentioned in their complaint was made in error.

Upon hearing the summary of the case review and provided materials, the Board made a motion to dismiss the case.

MOTION: Dr. Walker made a motion for dismissal.

SECOND: Vice-President Shipon

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

MOTION PASSED.

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-24-0131A, Auguste Niyibizi, DO

Dr. Niyibizi was present virtually for the Board’s consideration of the matter. Dr. Niyibizi was represented by legal counsel, Flynn Carey.

Dr. Walker recused herself from this case.

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. Goodman

VOTE: 3-aye, 0-nay, 0-abstain, 1-recused, 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

The Board entered into Executive Session at 9:55 a.m.

The Board returned to Open Session at 10:15 a.m.

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

MOTION: President Maitem motioned for the Board to proceed as discussed in Executive Session.

SECOND: Vice President Shipon

VOTE: 3-aye, 0-nay, 0-abstain, 1-recused, 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

Upon conclusion of the matter, Dr. Walker returned for the remainder of the meeting.

B. DO-24-0145A, Dale Ratcliffe, DO

Dr. Ratcliffe was present virtually for the Board’s consideration of the matter. Dr. Ratcliffe was represented by legal counsel, Flynn Carey.

Board staff provided a summary of the case.

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 10:42 a.m.

The Board returned to Open Session at 11:10 a.m.

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

Dr. Locnikar, Dr. Ratcliffe’s employer stated that it has been a privilege to work with Dr. Ratcliffe and hopes that Dr. Ratcliffe will have a full license to practice medicine.

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

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

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-24-0129A, Jason Jarvis, DO

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

Board staff provided a summary of the case.

Dr. Jarvis received a disciplinary warning in May 2016 after apparently representing himself as another student for attendance purposes. During residency, Dr. Jarvis requested to withdraw from the program, however, the residency committee decided to terminate her residency. Dr. Jarvis completed a family residency program in June 2024.

**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: 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 entered into Executive Session at 11:17 a.m.

The Board returned to Open Session at 11:20 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: Vice President Shipon motioned for the Board to issue a full unrestricted license.

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

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

A. DO-23-0114A, Chetan Patel, DO

Dr. Patel was present for the Board’s consideration of the matter. Dr. Patel was represented by legal counsel, Flynn Carey.

Board staff provided a summary of the case.

MOTION: Vice President Shipon 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: 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

The Board entered into Executive Session at 11:26 a.m.
The Board returned to Open Session at 11:50 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 accept the terms of the consent agenda.

MOTION: Dr. Walker motioned for the Board to accept the consent agenda as presented.

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. DO-24-0010A, Arthur DeLuigi, DO

Dr. De Luigi was not present for the Board’s consideration of the proposed consent agreement. Board staff provided a summary of the consent agreement terms.

MOTION: President Maitem motioned to accept the proposed consent agreement.

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. INFORMAL SETTLEMENT CONFERENCE

A. DO-23-0111A, Matthew Belshe, D.O.

Dr. Belshe was present virtually for the Board’s consideration of the matter. Dr. Belshe was represented by legal counsel, Kimberly Kent.

Mr. Goodman recused himself from this case.

Board staff provided a summary of the case.

MOTION: Vice President Shipon motioned for the Board to move to Executive Session for confidential information, legal advice, and to settlement discussions conducted pursuant to A.R.S. § 38-431.03 (A)(2), (3), & (4).

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:	3	X	X			X		
Nay:	0							
Abstain/ Recuse:	1						X	
Absent:	3			X	X			X

The Board entered into Executive Session at 12:12pm.

The Board returned to Open Session at 12:43 p.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 motioned to direct Board staff as discussed in Executive Session to offer the terms discussed. If agreement is reached, the Executive Director may execute the agreement. The Board also specified that the Respondent shall have thirty-five days from the date the agreement is sent to sign and accept the agreement. In the event that the agreement is signed the Board will direct the Attorney General’s Office to rescind the formal hearing. If the agreement is not signed after thirty-five days, the Board will continue the Formal Hearing and will pursue a new date for the formal hearing.

MOTION: President Maitem motioned to direct Board staff as discussed in Executive Session to offer the terms discussed and the Respondent shall have 35 days to sign the proposed agreement. If agreement is reached, the Executive Director may execute the agreement and the Formal Hearing is vacated.

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:	3	X	X			X		
Nay:	0							
Abstain/ Recuse:	1						X	
Absent:	3			X	X			X

Upon conclusion of this matter, Mr. Goodman returned for the remainder of the meeting.

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 2025 Board Meeting Calendar

The Board approved the 2025 meeting calendar.

B. Board Member Appointments

Mr. Bohall provided a verbal update about the two new Board Members:
Douglas Cunningham, DO and Pamela Paschal.

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

Executive Director Bohall provided a verbal update for the Board including nine complaints that were dismissed by the Executive Director since the October 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 1:29 pm.

Justin Bohall, Executive Director