



**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 Saturday, August 19, 2023 at 8:30 am, Virtually.

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	X
Absent							

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, Licensing	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. June 30, 2023 Open Session

MOTION: Vice-President Maitem motioned to approve June 30, 2023, Open Session minutes

SECOND: Dr. Ota

VOTE: 6-aye, 0-nay, 1-abstain, 0-recuse, 0-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:	1			X				
Absent:	0							

B. June 30, 2023 Executive Session

MOTION: Vice-President Maitem motioned for the Board to approve the June 30, 2023, Executive Session minutes.

SECOND: Mr. Goodman

VOTE: 6-aye, 0-nay, 1-abstain, 0-recuse, 0-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:	1			X				
Absent:	0							

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

A. DO-22-0087A , Jeffrey Amato, DO

Dr. Amato was present for the Board’s consideration of the matter and was not represented by legal counsel. Dr. Amato provided the Board with a summary of his past education and current work.

Board staff provided a summary of the case.

The patient was seen by Dr. Amato on July 12, 2022, for urticaria itching and joint point in the hands, elbows, and knees. There was no history or physical exam documented. Dr. Amato ordered blood work but the patient complained that she did not hear back from the doctor regarding the blood work even after calling several times. Dr. Amato stated that he was not made aware the patient was trying to contact him. Dr. Amato advised Board staff that the blood results were not uploaded into the EMR system for the practitioner to review and he left for vacation and was unable to reach the patient after he had returned.

Dr. Amato advised the Board that he did do a physical exam but it was not documented. Dr. Amato stated that typically a blood draw is done in-house which will send a reminder after 72 hours but since this time the blood work was done at an outside facility it did not create a reminder. The labs were reviewed by the patient the next day but Dr. Amato was not aware that the patient’s husband had been calling for the lab work. Dr. Amato stated that blood was not drawn in the clinic due to not being able to get a blood draw after 2 attempts.

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 review labs in a timely manner and for inadequate documentation of the patient’s history and physical exam.

MOTION: Vice-President Maitem motioned for the Board to issue a Non-Disciplinary Letter of Concern for failing to review labs in a timely manner and for inadequate documentation of the patient’s history and physical exam.

SECOND: Dr. Walker

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

B. DO-22-0063A , Robert Gordon, DO

Dr. Gordon was present for the Board’s consideration of the matter and was represented by legal counsel, Flynn Carey. Attorney Kathryn Dicus, for patient JT, was present for the matter as well. Dr. Gordon provided the Board with a summary of his past education and current work.

Board staff provided a summary of the case.

The complainant, Kathryn Dicus, the disability attorney for patient JT states that the patient recorded her disability determination examination appointment with Dr. Gordon. The complaint also states there was an absence of relevant information as well as false information in the report. The medical consultant, who listened to the audio recording and reviewed Dr. Gordon’s report did notice discrepancies between the audio and the report.

Dr. Gordon stated to the Board that a majority of the exam is not verbalized so it would not be picked up by the audio. Dr. Gordon stated a lot of the exam is observation and will even observe the patients when they are walking from the parking lot and in the waiting room. Dr. Gordon

stated that he did not examine the heart and lungs even though he documented that he did during his exam. He also advised that since the patient filled out intake paperwork which is why he documented the fine motor exam was completed.

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

SECOND: Dr. Erbstoesser

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Matiem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

The Board entered into Executive Session at 9:20 a.m.

The Board returned to Open Session at 9:26 a.m.

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

The Board provided an opportunity for Mr. Carey to provide information relevant to the case. Mr. Carey stated that there were some errors in documentation and Dr. Gordon is able to amend his report and is willing to do that. Dr. Gordon stated that if he didn't document something that means it was a normal exam. Dr. Gordon provided further information related to his examination style and tactics.

MOTION: Mr. Goodman 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 Matiem

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

The Board entered into Executive Session at 9:44 a.m.
The Board returned to Open Session at 10:12 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 Decree of Censure pursuant to ARS § 1854-21 and 10 hours of Disciplinary CME to be completed within 6 months.

MOTION: Vice-President motioned for the Board to issue a Decree of Censure pursuant to ARS § 1854-21 and 10 hours of Disciplinary CME to be completed within 6 months.

SECOND: Mr. Burg

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-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:	1	X						
Abstain/ Recuse:	0							
Absent:	0							

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-23-0089A, Michael Kost, DO

Dr. Kost was present for the Board's consideration of the matter and was represented by legal counsel, Joel Wakefield. Dr. Kost provided the Board with a summary of his past education and current work.

Board staff provided a summary of the case

Board staff received an application for Dr. Kost in September 2022 where Dr. Kost answered no to ever being charged with or convicted of a felony or misdemeanor. During the processing of the application staff became aware that Dr. Kost was arrested. Dr. Kost stated it was a dispute between his brother and his brother's fiance and Dr. Kost intervened. Dr. Kost was detained but did not believe he was arrested and that the charges were dropped but that hasn't been able to be verified.

Dr. Kost stated in 2002 he heard loud noises coming from his brother's room where he was attempting to strike his fiance and was worried he would hurt his fiance and infant child. Dr. Kost began physically fighting with his brother and told his wife to call the police. The police stated due to certain laws they would have to take him in but not be worried. Dr. Kost met with a judge and was able to go home and never thought he was arrested. Mr. Wakefield also added that Dr. Kost answered no because he did not believe he was arrested and therefore did not answer no in order to procure a license through fraud.

The Board expressed concern that the applicant failed to disclose this situation on his application. The Board emphasized that the application states that the applicant must disclose all information to the Board, regardless of the situation or final result. They informed the applicant that he is always able to contact the Board with any questions when filling out an application. Board members also reiterated that the Board takes applications and these matters very seriously and to fill out applications as honestly as possible and to be forthcoming with information and that failure to properly disclose all information to the Board can often result in serious consequences.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to issue an unrestricted PGT and unrestricted license.

MOTION: Vice-President Maitem motioned for an unrestricted PGT

SECOND: Dr. Ota

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

MOTION: Vice-President Maitem motioned for an unrestricted license
SECOND: Dr. Ota
VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.
MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

B. DO-23-0076A, Shalako Bradley, DO

Dr. Bradley was present for the Board’s consideration of the matter and provided the Board with a summary of his past education and current work.
Board staff provided a summary of the case.

Board staff received an application from Dr. Shalako Bradley in October 2022 and during the application process staff became aware of an arrest in 2002. Dr. Bradley stated that he did not disclose the arrest and charges because he was told it was expunged from his record.

Dr. Bradley reiterated to the Board that he believed the arrest was expunged from his record and has been unable to obtain police records of what happened so he did not feel he needed to disclose his arrest since he would not be able to provide proof to the Board. Dr. Bradley stated that he did finish the consent agreement with the court and that was taken off of his record.

Board members reminded Dr. Bradley that he needs to answer yes even if the records were expunged and to remember this for future applications.

MOTION: Vice-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: President Erbstoesser

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

The Board entered into Executive Session at 11:02 a.m.

The Board returned to Open Session at 11:06 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 an unrestricted license.

MOTION: Mr. Burg motioned for an unrestricted license.

SECOND: Vice-President Maitem

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

C. DO-23-0079A, Adam Schulte, DO

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

Board staff provided a summary of the case that was originally presented to the Board at the June 30, 2023 meeting. The Board previously requested that Board staff get the investigative file from the Texas Board and the Texas Board denied this request. Board staff has obtained all available evidence and is requesting Board members to determine if licensure is appropriate or is there additional information the Board would like to review.

Upon hearing the summary of the case and reviewing all materials provided, the Board made a motion to issue an unrestricted license.

MOTION: Vice-President Maitem motioned to grant an unrestricted license.

SECOND: Dr. Ota

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbstoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

7. 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.

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

A. HB 2043: Physician Assistants; Supervision; Collaboration

Mr. Bohall provided a summary of HB 2043. The Board discussed the passage of the bill and potential implications. The Board directed staff to follow up with the Physician Assistants Board and implantation.

B. Board Recognition of Meritorious Service - Barbara Prah-Wix, DO (25 Years)

The Board expressed their gratitude to Dr. Prah-Wix for her continued service to the Board. Staff echoed the Board's appreciation for Dr. Prah-Wix.

9. 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.

10. Adjournment

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

SECOND: Dr. Shipon

VOTE: 7-aye, 0-nay, 0-abstain, 0-recuse, 0-absent.

MOTION PASSED.

	Vote	Gary Erbsfoesser, DO	Jonathan Maitem, DO	Jeffrey Burg	Ken Ota, DO	Dawn Walker, DO	Samara Shipon, DO	Michael Goodman
Aye:	7	X	X	X	X	X	X	X
Nay:	0							
Abstain/ Recuse:	0							
Absent:	0							

The Board's meeting adjourned at 12:14pm.

Justin Bohall, Executive Director