



ARIZONA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS

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Charles Schwengel DO, MD(H)
Chairman

January 4, 2007

Kathleen Fry MD, MD(H)
9522 East San Salvador Drive, Ste. 203
Scottsdale, AZ 85258

LETTER OF CONCERN

**RE: Investigation #06-06
Complaint of M.O.**

Dear Dr. Fry:

At a meeting held November 14, 2006, the Board reviewed information and held an investigative interview concerning the above referenced matter. Following discussion the Board voted to issue you a non-disciplinary *Letter of Concern*. A *Letter of Concern* is defined at A.R.S. §32-2901(13) as an advisory letter to notify a physician that, while there is insufficient evidence to support disciplinary action, the board believes the physician should modify or eliminate certain practices.

The initial complaint was filed by M.O. with the Arizona Medical Board (AMB) on October 7, 2005. AMB declined jurisdiction and sent the matter to the Board of Homeopathic Medical Examiners on March 21, 2006. M.O. had been under your care since June, 2003 and was experiencing some difficulty with the Schwarzbein Principle II diet which she stated in a November 10, 2004 letter to you, was not alleviating her symptoms. On December 6, 2004 you held a phone conference with M.O. to discuss her letter of November 10, 2004 and to discuss alternative treatment options and her current concerns. The conference lasted 26 minutes and she was billed \$222.00 for the phone consultation. M.O. filed a complaint stating that she had not been advised in advance of the costs associated with the phone conference.

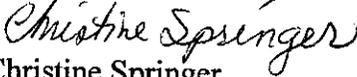
During the November 14, 2006 investigative interview the Board considered your statements and those made by M.O. who was present by telephone during the interview. They also reviewed results of a national survey conducted by the National Institute of Homeopathy in which 1200 participants provided responses. In fee disputes the Board must balance what is a reasonable and customary charge for similar services against the complexity of a service provided and the skill and training needed to provide the service.

Following a review of the available information the Board voted to issue a *Letter of Concern*. While there is insufficient evidence to conclude a violation of A.R.S. §32-

2933, their decision was predicated on a concern that the patient may not have received adequate communication of the cost of the telephone consultation in advance of the event. It was their suggestion that, in the future, you consider written disclosure of potential fees and the option of placing a signed copy of the fee schedule in the patient file.

With the issuance of this letter a copy of which will be retained in your license file, this matter will be administratively closed. Please contact me if you have questions.

Sincerely,


Christine Springer
Executive Director