



**ARIZONA STATE BOARD OF HOMEOPATHIC MEDICAL EXAMINERS**

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Todd Rowe, MD, MD(H)  
President

January 19, 2008

Elliott Schmerler, MD(H)

**LETTER OF CONCERN**

**RE: Case #08-07**

Dear Dr. Schmerler:

At a meeting held January 8, 2008, the Board reviewed correspondence received from the American Board of Cosmetic Surgery, hereinafter referred to as "ABCS". The letter expressed a concern that you had represented yourself on your website as board certified by the American Board of Cosmetic Surgery. They requested that you cease and desist from the use of the representation. In the course of the Board's investigation relating to the website, the Board was also provided a copy of one of your business cards that indicated you were "Board Certified, American Board of Cosmetic Surgery".

In your December 10, 2007 response to the board you provided a copy of your new business card stating that the provision of the old, inaccurate business card had been inadvertent and not intended to deceive. You explained that you were providing your mailing address to the individual that received the business card and it was the only card in your wallet. In the same letter you stated that you had deleted references to the ABCS in your new business cards as well as on your website.

Following their review of the information the Board voted to issue you a non-disciplinary *Letter of Concern* pursuant to the provisions of A.R.S. §32-2901(13). 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 Board was concerned that your use of the term ABCS in your business card and website would lead the public to believe you were board certified by the ABCS in cosmetic surgery and that, had you not changed your business card and website, you may have been in violation of A.R.S. §32-2933(21). "*Advertising in a false, deceptive or misleading manner.*" The Board recognizes that you have removed all references to the ABCS in your business cards and website. In addition, the Board received an email dated January 4, 2008, from the American Board of Cosmetic Surgery, in which they state that the issue regarding your website and business card as raised in their October 4, 2007 letter is resolved.

With the issuance of this letter a copy of which will be retained in your license file, this matter will be administratively closed. As a non disciplinary action, a Letter of Concern is not reported to the National Practitioner Data Bank or Health Care Integrity and Protection Databank. Please contact me if you have questions.

Sincerely,

  
Christine Springer  
Executive Director

Cc: Complainant  
File