



COPY

ARIZONA STATE BOARD OF HOMEOPATHIC and INTEGRATED MEDICINE EXAMINERS

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Janet Napolitano
Governor

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Todd Rowe, MD, MD(H)
President

June 24, 2008

Dr. Frank Lobacz, MD, MD(H)
10 Brentwood Road
Bay Shore, N.Y. 11706

RE: LETTER OF CONCERN
Case No. 08-08

Dear Dr. Lobacz:

At a regular meeting held May 13, 2008, the Board reviewed information provided on your 2008 homeopathic medical license renewal form related to Question No. 5 in which you responded 'Yes' to the inquiry regarding whether or not you had been arrested in 2007 or charged with any crime. The documentation submitted in response to the question showed that Indictment CR 07 44 had been filed and is pending in US District Court, Eastern District of New York on October 4, 2007. The indictment alleges the improper filing of federal income taxes for the years 2000, 2001, and 2002.

Following their review of the information and consideration of responses provided during the investigative interview held during the meeting, 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 you had failed to report the indictment within ten days of the charge as required by ARS §32-3208. This statute requires that a health professional who has been charged with a misdemeanor involving conduct that may affect patient safety or a felony after receiving or renewing a license or certificate must notify the health professional's regulatory board in writing within ten working days after the charge is filed.

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 note that the Board reserves the right to take further action based on the outcome of the pending indictment. Within ten days of the conclusion of the pending case please

notify the Board of the final outcome and any action taken by the court. If you have questions regarding this letter do not hesitate to call me.

Sincerely,

Christine Springer
Christine Springer
Executive Director

Cc: License File
Barry V. Pittman, Esq.