

Arizona State Board of Homeopathic and Integrated Medicine Examiners

Minutes of the Regular Meeting

September 8, 2009

I. Call to Order, Roll Call

Presiding officer, Dr. Todd Rowe, called the meeting to order at 9:00 a.m.

Roll Call

Present:

Todd Rowe, MD, MD(H)
Don Farris
Martha Grout, MD MD(H)
David Rupley, Jr., MD(H)

Absent:

Alan Kennedy
Dr. Les Adler, MD, MD(H)

Christine Springer and members of the public were also present. Mona Baskin, Assistant Attorney General arrived at the meeting at 9:15 a.m.

II. Review, Consideration, and Action on Minutes

Regular Minutes July 14, 2009

Dr. Rupley made a motion approving the regular session minutes. Dr. Grout seconded the motion that passed unanimously.

Executive Session Minutes, July 14, 2009

Noting a lack of a quorum, since Dr. Grout was recused from this vote, the Board tabled the minutes to the next regular meeting.

III. Board Member Appointments

Dr. Rowe directed the Board's attention to the appointment of new Board member, Mr. Alan Kennedy, who will serve in the public member position in place of Marie Stika, whose term had expired. Dr. Rowe also congratulated Dr. Martha Grout for her reappointment to a second three year term.

IV. Annual Meeting

Election of Officers

Dr. Rupley moved to nominate the current slate of officers: Dr. Rowe, President; Dr. Grout, Vice-President; and Mr. Farris, Secretary-Treasurer. Each individual confirmed they were willing to serve another term.

Dr. Rupley made a motion closing the nominations. Mr. Farris seconded the motion that passed unanimously.

2009-2010 Meeting Schedule

In a brief discussion, Board members generally agreed that the existing schedule to meet the second Tuesday of every other month appeared to be acceptable to each members' calendar. However, Dr. Rowe requested that the schedule be discussed at the next regular meeting when all Board members would be present.

Fees

Fees were discussed concurrently with the budget discussion under Agenda Item X. *Review, Consideration, and Action on Other Business.* Following a discussion related to anticipated increased SBO rent charges in FY2011, the Board voted to increase the physician renewal fee by \$25 effective January 1, 2010. The motion was made by Mr. Farris, and seconded by Dr. Grout. Motion carried unanimously.

V. Review, Consideration and Action on Applications

A. Physicians

B. Medical Assistants

There were no completed applications for board consideration.

VI. Review, Consideration and Action on Complaints and Investigations

A. Review, Consideration, and Action - Ongoing Reviews

Case No. 09-08 Gene Schroeder MD(H)

The Board discussed correspondence from Dr. Schroeder's medical provider regarding his current health status and ongoing recovery from a recent surgery. Dr. Rowe indicated a concern with Dr. Schroeder's intention to resume his medical practice in October and stated that a previously scheduled investigative interview had been on hold status since July 14 2009 to accommodate Dr. Schroeder's recovery from surgery. Board members discussed possible dates to hold the investigative interview and agreed on October 20, 2009. Mrs. Springer will confirm the tentative interview date with Dr. Schroeder and inform Board members, the medical investigator, and Ms. Baskin of Dr. Schroeder's availability.

Case No. 09-14 Martha Grout, MD, MD(H)

Discussion of this agenda matter was deferred to the next scheduled meeting for lack of a quorum. Board members agreed to review the matter at the October 20, 2009 meeting pending confirmation of the availability of all parties.

Case No. 09-15 VL vs. Lloyd Arnold, DO, MD(H)

Noting that the Homeopathic/Integrated Medicine Board had ceded jurisdiction in this matter to the Board of Osteopathic Examiners on July 14, 2009, Mrs. Springer informed the Board that the Osteopathic Examiners had voted to dismiss the case at their July 18, 2009 regular meeting.

In response to a question from Mr. Farris, she indicated that the Osteopathic Board had found no violations of their practice act. Mrs. Springer provided a brief overview of the

case noting that it had involved a request by patient V.L. to obtain a medical referral for a medical condition that had been denied by the patient's insurance company. She reminded the Board that the matter had been tabled during the July 14, 2009 regular meeting and should now be formally closed since no violations of the homeopathic practice act were found.

Dr. Grout made a motion to close the investigation and dismiss the matter. Mr. Farris seconded the motion that passed unanimously.

Roll call to dismiss: 4 – 0
Grout, Rowe, Rupley, Farris

**Case No. 09-11 Lloyd Arnold, DO, MD(H) and
Case No. 09-17 Lloyd Arnold, DO, MD(H)**

Mrs. Springer provided a status update on these matters that had been tabled on July 14, 2009. She stated that Dr. Arnold had entered into an Interim Consent Agreement for Practice Restriction with the Board of Osteopathic Medical Examiners on August 7, 2009. The interim order restricts the doctor's prescribing privileges and states he may no longer prescribe any Schedule II or Schedule III hydrocodone combinations and morphine combinations. She indicated an investigative hearing will be conducted by the Osteopathic Board for final resolution of the matter at a later date.

B. Review, Consideration, and Action – Initial Reviews

There were no pending matters for discussion under this agenda item.

C. Review, Discuss – Tracking Log Notification of New Complaints Filed

Case No. 10-01 David Korn, DO, MD(H)

Mrs. Springer explained that a complaint had been received against several naturopathic medical doctors employed at Envita Natural Medical Center that had also named Dr. Korn, in his role as the medical director at the center. She stated that a response was pending from Dr. Korn and that the Board of Osteopathic Medical Examiners had agreed that the primary investigation would be conducted by the Homeopathic/Integrated Medicine Board.

Mrs. Springer informed Board members that the Board of Naturopathic Medical Examiners had requested a copy of the medical records in the case. During discussion of this request, AAG Baskin referred the Board's attention to A.R.S. §§ 32-2907 and 2935(D) and stated that the statute applied to dual licensees. She suggested the Board may want to conduct their investigation and make a final decision and then refer the matter to the other Board.

Dr. Rowe stated it was his preference to open an investigation, assign a medical investigator with Lyme's expertise and include the Board of Osteopathic Medical Examiner's concerns relative to the clarity of informed consent and the provision of conventional therapies in addition to alternative therapy. Board members also requested that the investigation include information relative to Dr. Korn's job responsibility in his capacity as the medical director at the center and whether he had direct supervision responsibility.

Dr. Rupley made a motion to open an investigation. Dr. Grout seconded the motion that passed unanimously.

(Following a discussion of agenda item XIII. Future Meeting Dates, AAG Baskin excused herself and left the meeting).

VII. Review, Consideration and Action on Previous Board Orders

There were no matters to discuss under this agenda item.

VIII. Review, Consideration and Action on Rules, Legislation, Substantive Policy Statements

A. Rules

Mrs. Springer stated that no action had been taken by the Governor's Office regarding the Board's request to waive the moratorium on rulemaking related to Article 1 and Article 3. She noted that conversations with the Governor's representative to the Board's and Commissions had been somewhat favorable relative to Article 1 in that this article included proposed rules that align with statutory changes signed into law and effective October 1, 2008. Notably this article addresses the implementation of continuing medical education for homeopathic physicians and an amendment that removes the oral examination from the application process. Mrs. Springer also stated that the Governor's representative had indicated that once the budget was approved, other governmental priorities would be addressed.

B. Performance Audit Implementation

Dr. Rowe indicated he had reviewed the 24 month draft report to the Auditor General. It was his suggestion that the report be submitted as prepared. Other Board members concurred.

C. Sunset Review Report

Mrs. Springer stated she had completed the Board's report to the Committee of Reference in preparation for the upcoming November hearing. No additional action was taken regarding the prepared draft.

IX. Review, Consideration and Action on Professional Business

1. Board members reviewed recommended changes to the board's website and agreed that they should be implemented at the earliest opportunity. The proposals will educate the public and provide information on alternative modalities utilized by licensed homeopathic physicians as well as provide additional enhancements to information related to the licensing processes.

2. Dr. Rowe stated that the Board would have an opportunity to review correspondence from the Council on Homeopathic Education when it is received. The matter was deferred until that time.

3. Mrs. Springer explained that there had been some confusion about the continuing education approvals listed on the Board's website. Drs. Rowe and Grout suggested

additional language be inserted to clarify the purpose of the list and also urged her to include a link to the draft rules for Article 1 which more completely describe the types of coursework that will be acceptable.

4. Discussion of the newsletter was deferred to the next regular meeting.

X. Review, Consideration and Action on Other Business

1.a. The FY2011 Budget and Strategic Plan were described by Mrs. Springer. She stated that the budget submitted included critical issue funding for rulemaking to complete Article 2 (an auditor general recommendation), increase work hours to 40 hours per week, and allocation of a pro-rata share of the cost of office space allotted to SBO staff. The critical issue funding would have to be approved by the legislature, which is not likely given the current economic climate in the state. Without the addition of this funding the requested appropriation for FY 2011 is the same as that requested in FY 2010. In as much as rent costs associated with the SBO staff is a fixed cost not previously funded, the Board would be unable to meet the increased rent costs without additional appropriation.

The Board discussed ways to ensure funds would be available to meet anticipated expenses and voted to increase the annual renewal fee by \$25 effective January 1, 2010.

Mrs. Springer indicated that the FY 2010 Strategic Plan includes a recommendation to train medical investigators. Dr. Rowe suggested that AAG Baskin may have suggestions regarding investigator training and directed Mrs. Springer to inquire about possible training. Other goals include completion of the comprehensive written examination and continuing medical education rulemaking in Article 1.

1.b. Mrs. Springer gave a brief overview of FY2010 finances as of August 30, 2009. She stated that the legislature appropriated \$104,900 and the current appropriation balance is \$82,485. To date, \$22,414 has been expended to meet board obligations related to payroll, administrative operating costs, rent, risk management, and joint office costs related to the ongoing SBO contract for administrative services. She stated that it is possible that additional cuts in the appropriation may be required to satisfy the state's continuing revenue struggles.

1.c. A brief overview of FY 2009 performance pay measures and results was presented by the executive director. She informed Board members that four measures were utilized to determine ongoing performance pay implemented by the legislature in 2007. The average number of days issue a license in 2009 was 37.8 days (target: 55 days); the average time to process a license or registration renewal was 1.7 days (target: 8 days); the percentage of complaints closed within 125 days was 61% (target: 65%) and the average number of days to complete a public information request was 2.7 days (target: 6 days).

Mrs. Springer commented that the measure relating to the percentage of complaints closed within 125 days was based on actual calendar days and did not account separately for continuances or jurisdictional determinations. Overall, the percentage had improved from 2008 when 52% of complaints were closed within 125 days.

XI. Call to the Public

Following an invitation from Dr. Rowe, there were no members of the public that wished to make an oral statement to the Board.

XII. Future Agenda Items

- Discussion – complaint timeframes and motions to table
- AAC R4-38-115 use of the title MD(H)
- Annual website review
- Newsletter
- Investigative Hearing 09-08

XIII. Future Meeting Dates

An Examination Committee meeting will be scheduled at a later date

The Board tentatively agreed to hold a meeting on October 20, 2009 to address pending complaint matters.

XIV. Adjournment

The meeting adjourned at 11:30 a.m. following a motion by Mr. Farris. The motion was seconded by Dr. Grout and passed unanimously. The next Regular Meeting of the Board will convene at 1400 W. Washington, in the Conference Room located in Conference Room B-1, Phoenix, Arizona, at 9:00 a.m. on November 10, 2009.

Respectfully Submitted,

Christine Springer
Executive Director

Approved at the Special Meeting held October 20, 2009