

Arizona State Board of Homeopathic and Integrated Medicine Examiners

REVISED Regular Meeting Minutes of November 12, 2014

(Note: Revisions underlined>

I. Call to Order, Roll Call

Presiding officer, Dr. Bruce Shelton, called the meeting to order at 9:02 a.m. and confirmed the attendance of the following board members:

Present:

Bruce Shelton, MD, MD(H)
Alan Kennedy
Dr. Les Adler, MD, MD(H)
LaJuana Gillette
Mary Grace Warner, MD, MD(H)
Charles Schwengel, DO, DO(H)

Christine Springer, Executive Director, Mona Baskin, Assistant Attorney General and members of the public were also present.

II. Review, Consideration, and Action on Minutes

Mrs. Gillette made a motion to approve the minutes of the September 9, 2014 **Regular Meeting**. Mr. Kennedy seconded the motion that passed with a unanimous vote.

Mrs. Springer directed the board's attention to the revised version of the **Executive Session** minutes of September 9, 2014. Acknowledging the revisions, Mrs. Gillette made a motion approving the revised minutes of the September 9, 2014 executive session. Dr. Warner seconded the motion that passed unanimously.

III. Review, Consideration and Action on New Applications **Physicians**

Dr. Dean Silver was present for his Board interview. Mrs. Springer indicated that Dr. Silver's application was complete and that he had passed the written examination. Dr. Silver responded to questions from board members regarding his plans for the homeopathic physician license, his medical background and his interest in alternative therapeutic modalities.

Dr. Warner made a motion approving Dr. Silver's license application. Mrs. Gillette seconded the motion that passed unanimously.

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

Legislation – Status Report

Mrs. Springer provided an update on draft legislation that had been submitted to Senator Barto's office for sponsorship. She noted that there was a revision to the new section concerning anonymous complaints and that legislative aides to Senator Barto had inserted language from the Board of Nursing about the withholding of identifying information from a physician when a complaint is made.

Board members discussed how the revision would affect the investigative process. Mr. Stephen Myers requested to speak to the board and noted that in the practical application of the policy only the board would know the identity of the complainant. Typically in this type of investigation, the board would subpoena random patient records from the physician that received the complaint and determine if there were issues similar to those noted in the anonymous complaint.

Mrs. Gillette indicated she was uncomfortable with the board entering into a written agreement with a complainant. Mr. Kennedy and Dr. Schwengel also expressed concern with this aspect and questioned the legality of the board's ability to enter into a written agreement with a complainant in relation to the laws governing complaint investigations. Mrs. Springer was directed to contact legislative council about the board's concerns specifically as it relates to A.R.S. §§ 32 – 2934(A) and 2935(E).

Rules – Status of Article 1 through Article 4 of Title 4, Chapter 38

Mrs. Springer informed the board that although most of the rules package had been drafted, the rules concerning standards for individuals graduating from schools other than those accredited by ACHENA were a work in progress. She noted that the board's ability to accept applications from foreign educated homeopaths would depend on the legislation to be introduced in the 2015 session. She indicated that A.A.C. R4-38-102 was being drafted to set forth the number of hours a potential homeopathic doctor must have in order to apply for the Doctor of Homeopathy license.

V. Review, Consideration and Action on Complaints and Investigations

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

Inquiry No. 14-03 Martha Grout, MD, MD(H) - Patient M.B.

Mrs. Springer informed the board about the complaint filed by patient M.B. against Dr. Grout. They agreed that the services provided to M.B. fall within the practice of homeopathic medicine.

MOTION: Noting that Dr. Grout is also licensed by the Arizona Medical Board, Dr. Adler made a motion to have the executive director provide copies of the complaint to the Arizona Medical Board as required by A.R.S. § 32-2907 and inform them of the Board's decision to request primary jurisdiction.

SECOND: Mrs. Gillette seconded the motion

DISCUSSION: Pending determination of the jurisdiction issue the board will determine further action on the matter.

ROLL CALL VOTE: 6 – aye 0 - nay

Voting Aye: Warner, Gillette, Schwengel, Shelton, Kennedy, Adler

MOTION PASSED

B. Ongoing Cases – Review, Consideration and Action

Case No. 13-04 Martha Grout, MD, MD(H) – Patient M.M.

Dr. Shelton greeted Dr. Grout and her attorney, Stephen Myers, who were present at the meeting and requested that they respond to questions from board members.

Dr. Schwengel inquired about the amount of time lapsing between Dr. Grout's administration of laetrile to patient M.M. and the parents and patient leaving the clinic to go to a restaurant. He commented about potential anaphylactic reactions to MSG which is common in different foods and discussed cyanide toxicity levels noted in a Mayo Clinic informational publication.

In response to a question from Dr. Shelton concerning how the amount of laetrile was determined for M.M, Dr. Grout stated that she had done extensive research on the topic and had calculated the dose based on her professional judgment.

Dr. Warner indicated a concern with the available information from the autopsy report noting that there was no information concerning the brain in the report.

Dr. Shelton inquired about the administration of PolyMVA and laetrile simultaneously. Dr. Grout stated she had administered the laetrile, but that the PolyMVA had been administered earlier in the day by M.M.s' parents.

MOTION: Dr. Shelton made a motion to dismiss the matter

SECOND: Mr. Kennedy seconded the motion

DISCUSSION: Mr. Kennedy expressed concern regarding the autopsy report which appeared to be incomplete. He urged the Board to consider a future agenda item regarding potential bias by the examiner's office. AAG Baskin commented that this was a separate issue and that the question of potential bias could not be raised as part of the matter before the board.

Dr. Schwengel stated that his review of the matter showed that M.M. was in an advanced state of compromised health. The cancer had advanced beyond the original site and M.M. had had fluid in her lungs. He did not believe there was any evidence of criminal activity and that Dr. Grout had provided care to the best of her professional judgment and in accordance with the wishes of the parents. He called the question.

ROLL CALL VOTE: 6 – 0 Dismiss

Voting Aye: Warner, Gillette, Schwengel, Shelton, Kennedy, Adler

MOTION PASSED

VI. Review, Consideration, and Action on Previous Board Orders

There were no items to review concerning this agenda item

VII. Review, Consideration, and Action on Professional Business

1. Addressing the issue of **board member training** as required by legislation passed in the last session, Mrs. Springer stated she had found a copy of a booklet previously used to train board investigators to conduct complaint investigations. She stated that the Department of Administration was coordinating with executive directors of boards and commissions to prepare

a training outline. Mrs. Springer commented that she would be willing to scan the complaint booklet and place it online for viewing by board members.

2. The board held an extensive discussion concerning **recommendations of the Examination Committee**. Dr. Adler led the discussion and commented that the committee had discussed changing the composition of the number and types of questions, as well as the number of remedies that examinees would be expected to become familiar with. He also noted that a review course for prospective applicants should be prepared to prepare them to take the examination.

Dr. Warner stated she was in favor of 110 to 115 questions and that the number of remedies should be determined. Dr. Shelton inquired about the possibility of two examinations and A.A.G. Baskin referred him to A.R.S. §32-2913(A) that refers to an examination. The Board agreed that several examinations should be prepared with a mix of questions encompassing each of the recognized therapeutic modalities but that the applicant would complete only one written examination.

Dr. Adler made a motion to retain the examination at 100 questions. Dr. Schwengel seconded the motion. There was discussion regarding the motion, but no consensus.

Mr. Kennedy made a motion to increase the number of questions to 125. Dr. Shelton seconded the motion that failed to pass with a majority of board members.

MOTION: Dr. Warner made a motion to increase the number of questions on the written examination to 115.

SECOND: Mr. Kennedy seconded the motion.

VOTING AYE: Dr. Warner, Dr. Schwengel, Dr. Shelton, and Mr. Kennedy.

VOTING NAY: Mrs. Gillette and Dr. Adler.

MOTION PASSED. The number of questions on the examination will increase to 115

There was a discussion of the number of constitutional remedies that should be made a part of the examination. The current number of remedies that applicants memorize is 50. Dr. Warner made a motion to lower the number to 40. Dr. Shelton seconded the motion.

During discussion Dr. Adler suggested the number of remedies be set at 25. Dr. Warner pointed out that competency could be compromised. Dr. Shelton withdrew his second of the motion to lower the number of remedies to 40.

The ensuing discussion centered around the need to set a basic competency standard for the constitutional remedies most often used in an acute setting and the incorporation of integrated medicine. Dr. Adler made a motion to set the number of remedies at 25. Dr. Schwengel seconded the motion. Mrs. Gillette voted aye, but the motion failed to pass when Dr. Warner, Dr. Shelton and Mr. Kennedy voted no.

MOTION: In the spirit of compromise, Mrs. Gillette suggested the number of remedies applicants should be familiar with in an acute setting be 35.

SECOND: Dr. Adler.

Voting Aye: Dr. Shelton, Dr. Adler, Mr. Kennedy, Mrs. Gillette

Voting Nay: Dr. Schwengel and Dr. Warner

Motion Passed 4 – 2 The number of constitutional remedies applicants will be expected to know will be set at 35.

3. Dr. Shelton gave an update on the recent discussion held by the Education Committee concerning **criteria for foreign educated applicants** for the Doctor of Homeopathy license. He noted the committee had agreed to incorporate standards similar to those used by the nursing and physical therapy boards relating to English language competency and transcript evaluation services. Additionally, the board would compare accreditation standards of equivalent bodies in Europe, India, and Australia to those recognized by ACHENA.

4. The board discussed the proposed rulemaking by the Radiation Regulatory Commission concerning the **registration of nonionizing radiation sources** and requested that licensees be notified of the rulemaking and that the Radiation Regulatory Commission is taking comment on the draft rules.

5. There was a brief discussion of *A.A.C. R4-38-115* concerning the **use of the title and abbreviation MD(H) and DO(H)**. Dr. Schwengel expressed concern that use of DO(H). Mrs. Springer indicated that the change to the rule had occurred as an outcome of the 2009 auditor general sunset review.

6. Dr. Shelton made a motion approving the continuing education request submitted by the American Medical College of Homeopathy to continue offering the **40-hour Introduction to Homeopathy** course. Mrs. Gillette seconded the motion that passed unanimously.

VIII. Review, Consideration and Action on Other Business

1. Financial Report

Mrs. Springer presented information regarding the current board financial report. She indicated that as of October 31, 2014, revenue receipts stood at \$25,520 and expenditures were \$35,799. The legislative appropriation for FY2014 is \$102,100. The current ending cash balance is \$12,167. She explained to the board that in October, 2013 expenditures had been \$24,555 and that the 2014 increase was due to her health insurance which is provided by the board.

IX. Call to the Public

No members of the public wished to make a statement.

X. Future Agenda Items

Status reports regarding pending legislation and rulemaking

XI. Future Meeting Dates

None discussed

XII. Adjournment

The meeting adjourned at 11:06 a.m. following a motion by Mrs. Gillette. The motion was seconded by Mr. Kennedy and passed with an unanimous vote. The next Regular Meeting of the Board will convene at 1400 W. Washington, in Conference Room B-1, Phoenix, Arizona, at 9:00 a.m. on January 13, 2015.

Respectfully Submitted,

Christine Springer
Executive Director

November 12, 2014 Regular Meeting

The Revised Minutes were approved by the Board at their Teleconference Meeting of the Board held on January 13, 2015