

# Arizona State Board of Homeopathic and Integrated Medicine Examiners

## Minutes of the Regular Meeting

November 9, 2010

### 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)  
Martha Grout, MD, MD(H) (present by telephone)  
Don Farris  
Mary Ackerley, MD, MD(H)  
Dr. Les Adler, MD, MD(H)  
Alan Kennedy

Absent:

Christine Springer, Executive Director and Mona Baskin, Assistant Attorney General and members of the public were also present. Dr. Rowe introduced Sherry Atkins a medical student who is an intern.

#### ***Board Member appointments/reappointments - status***

Dr. Rowe and members of the Board welcomed Dr. Mary Ackerley who is replacing Dr. David Rupley, whose term had ended. She made a short statement noting that she was pleased to be appointed to the Board and that she resided in Tucson, was a psychiatrist and deeply involved in the study of homeopathy.

The Board also congratulated Dr. Les Adler and Mr. Don Farris, both of whom were reappointed to the Board by Governor Brewer for three year terms.

### II. Review, Consideration, and Action on Minutes

#### *Regular Meeting Minutes –September 14, 2010*

Mr. Kennedy made a motion approving the minutes. Mr. Farris seconded the motion that passed with a majority vote.

5 - Aye

Dr. Ackerley abstain

#### *Executive Session Minutes – September 14, 2010*

Dr. Adler moved to approve the executive session minutes. Mr. Farris seconded the motion that passed with a majority vote.

5 – Aye

Dr. Ackerley abstain

*Rules Committee – September 23, 2010*

Dr. Rowe and Dr Grout were the only attendees at the Rules Committee and confirmed that the minutes reflected the discussion that was held. No formal vote was taken.

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

- A. Physicians  
Sher Khan M.D.

Ms. Springer explained that Dr. Khan had not timely completed the required 300 post graduate hours and according to A.R.S. 32-2912(H)(4) his application is considered withdrawn..Board members concurred that the application was considered withdrawn.

Seema Rao M.D.

The executive director indicated that Dr. Rao had requested her application be considered at the May 10, 2011 meeting. She indicated that the one year timeframe to complete the application would be open through September 19, 2011.

- B. Medical Assistants

Jennifer Martin

Noting that Ms. Martin had not timely completed her application within the one year time frame, Dr. Adler made a motion to consider the application withdrawn. Mr. Farris seconded the motion that passed unanimously.

Nahia Choueri

Ms. Springer stated that the applicant had submitted a statement from the supervising physician showing completion of 500 hours of on-the-job training in IV therapies. Noting her previous application as a medical assistant utilizing her homeopathic training the Board commented that they would like clarification that she is not providing homeopathic assistance in the clinic. With that comment Mr. Kennedy moved to approve the application. Mr. Farris made a second and the motion passed unanimously.

**IV. Review, Consideration, and Action on Previous board Orders**

Charles Crosby

Board members noted the quarterly report filed by Dr. Crosby's psychologist and found it to be in compliance with the terms of the Consent Agreement the doctor signed in 2007.

**V. Complaints and Investigations**

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

Case No. 10-08

David Korn, DO, MD(H)

Mrs. Springer informed the Board that there were no updates regarding this matter. The Osteopathic Medical Board's investigation is still ongoing.

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

**A. Rules**

*1. Article 2. Dispensing of Drugs by Homeopathic Physicians, Sections R4-38-201 through R4-38-206*

Mrs. Springer informed the Board she had not received word about a reprieve from the Rulemaking Moratorium concerning revisions to Article 2. She will resubmit her request for approval to move forward.

The Board discussed proposed language in Section R4-38-205 concerning the intended meaning of a unit dose. Dr. Rowe confirmed that unit dose refers to volumn dispensed which is the rulemaking language.

Mr. Farris commented about why directions are necessary for natural substances. Dr. Grout replied that it is important to go over directions on substances with patient(s) no matter whether it is a remedy or a substance to ensure their understanding.

The Board members also discussed packaging for samples. Dr. Rowe indicated that Section 201 included a definition of dispensing that exempts samples.

Mr. Kennedy made a motion approving the proposed language. Mr. Farris seconded the motion. Dr. Ackerley questioned whether or not there was a definition of “natural” in the rules and noted that all dispensing physicians should be apprised of the proposed rulemaking.

The motion and second passed unanimously to approved the proposed changes to Article 2.

**B. Legislation**

*1. Review, Consider and Action on Fee Caps under A.R.S. §32-2914*

The Board directed Mrs. Springer to conduct a fee comparison with other medical boards. After the Board has reviewed those results then the professional association should be apprised of possible changes to obtain their input.

*2. Status Update – Sunrise Application of the American Medical College of Homeopathy*

Dr. Rowe recused himself from this discussion. Mrs. Spring indicated that a committee meeting to hear sunrise applications was scheduled for December 3, 2011. She would continue to monitor the progress of the bill.

**VII. Review, Consideration and Action on Professional Business**

*1.. Continuing Medical Education Reviews*

A seminar entitled *Pulse Practicum: Developing Intuition Through the Pulse* sponsored by the Ayurvedic Institute was reviewed and approved for 35 hours pending receipt of the course evaluation form. Dr. Adler made the motion to approve the course, Dr. Ackerly seconded the motion that passed unanimously.

2. The Informed Consent and Protocol submitted by Dr. Constantine Kotsanis for EDTA Chelation Therapy and DMPS, DMSA, or EDTA Heavy Metal Testing was reviewed. Board members commented that the format was very clear and well done. Dr. Adler noted that the Consent on EDTA was complete; however he noted that the last page concerning DMPS, etc. had unintentionally left out 'DMPS' as one of the choices. Pending that change Mr. Kennedy moved to approve the informed consents/protocols for EDTA Chelation Therapy and DMPS, DMSA, or EDTA Heavy Metal Testing. Dr. Grout seconded the motion that passed unanimously.

3. Assistant Attorney General Report

a. There was no information regarding posting of informed consents and sample protocols provided at this meeting. AAG Baskin indicated she was researching the matter.

b. With regard to HB2545, AAG Baskin stated that the Attorney General would prepare guidance concerning board and commissions posting advisory letters and letters of concern on their web pages. She noted it was under discussion and may be available after the new year.

With regard to SB1255 which concerns advertising by medical professionals she stated that advertisements must clearly identify the type of license a medical professional has. In the case of the homeopathic physicians holding either an MD or DO in Arizona, it would be a requirement to advertise both titles.

**VIII. Review, Consideration and Action on Other Business**

***Executive Director Report***

1. Mrs. Springer presented a brief overview of finances as of October 31, 2010. Current cash balance is \$31,641 and 31% of the appropriation amount of \$119,100 has been spent. The current balance in the appropriated fund is \$80,467. She indicated that the Board had expenditures of \$38,633 as of October 31, 2010.

2. A brief discussion regarding the possible consolidation of boards and commissions was held. Mrs. Springer indicated that consolidation could be pursued as a method of consolidating similar costs to include information systems, and rent costs. At this time no legislative bill has been introduced proposed this option.

3. Board members discussed whether complaints should be filed within specific timeframes of an alleged violation. AAG Baskin directed their attention to A.R.S. 32-2934(A) which governs board investigation processes and does not specify a time frame. Dr. Adler expressed a concern that adult medical records are kept for seven years which meant that if a complaint went beyond that timeframe there would be no practical defense. With regard to public perception the consensus was that a complaint should not be restrained due to a time frame.

**IX. 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.

**X. Future Agenda Items**

- Rules – Article 2 Dispensing of Drug

- Board consolidation
- Clarification of HB2545 (LOC on website) and SB1215 (health professionals, advertising, designations)
- Fee survey

**XI. Future Meeting Dates**

**XII. Adjournment**

The meeting adjourned at 11:09 p.m. following a motion by Dr. Adler. The motion was seconded by Mr. Farris 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 January 11, 2011.

Respectfully Submitted,

Christine Springer  
Executive Director

**APPROVED BY THE BOARD IN REGULAR MEETING**

**March 8 2011**