

Arizona State Board of Homeopathic Medical Examiners

Minutes of Regular Meeting

March 11, 2008

I. Call to Order, Roll Call

Presiding officer, Dr. Todd Rowe, called the meeting to order at 1:04 p.m.

Roll Call

Present:

Todd Rowe, MD, MD(H)
Don Farris
Martha Grout, MD, MD(H)
Les Adler, MD, MD(H) (arrived 1:10 p.m.)
David Rupley, Jr., MD(H)
Marie Stika

Absent:

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

II. Review, Consideration, and Action on Minutes

Regular Meeting Minutes January 8, 2008

Dr. Grout made a motion approving the regular minutes. Dr. Rupley seconded the motion that passed with a majority vote.

5-0

Adler abstain

Executive Session Committee Minutes – January 8, 2008

Dr. Grout made a motion approving the Executive Minutes of January 8, 2008. Dr. Rupley seconded the motion. The motion passed with a majority vote. (Dr. Adler not present).

5-0

Adler abstain

III. Review, Consideration and Action on Applications

A. Physicians

There were no physician applications to review.

B. Medical Assistants

Jan Burdick

Dr. Grout made a motion to approve Ms. Burdick's application to serve as a medical assistant under the supervision of Dr. Greg Meyer. Dr. Rupley seconded the motion that passed with a majority vote.

Vote: 5-0

Adler abstain

Nahia Choueiri

Marie Stika made the motion approving Ms. Choueiri's application to serve as a medical assistant under the supervision of Dr. David Korn. Dr. Grout seconded the motion that passed with a majority vote.

Vote: 5-0

Adler abstain

Isabel King-Johnston

Dr. Rupley made a motion approving Ms. Johnston's application to serve as a medical assistant under the supervision of Dr. Greg Meyer. Ms. Stika seconded the motion that passed with a majority vote.

Vote: 4-0

Adler abstain

Rowe recused

Marilyn Gradov

Mr. Farris made the motion approving Ms. Gradov's application for medical assistant under Dr. Greg Meyer's supervision. Ms. Stika seconded the motion that passed with a majority vote.

Vote: 4-0

Adler abstain

Rowe recused

Keith D. Simmons

Noting that Mr. Simmons had responded with a 'No' to the question regarding his U.S. citizenship, Dr. Rupley made a motion approving the application pending clarification of that response. Dr. Adler seconded the motion that passed with a majority vote.

Vote: 5-0

Rowe recused

IV. Complaints and Investigations

A. Review, Consideration and Action – Ongoing Investigations

Case Nos. 08-01 – 08-04 Gary Page MD(H)

Noting that Dr. Page and his attorney were not present, Dr. Grout moved to approve the extension of the voluntary summary suspension of Dr. Page's homeopathic license to March 18, 2008. She stated that the purpose of the extension was to allow time to Dr. Page and his attorney to review the terms of a proposed consent agreement. The motion approving the extension was seconded by Dr. Rupley and passed unanimously.

Discussion of the terms of the consent agreement was tabled to 7:30 a.m., March 18, 2008.

B. Review, Consideration and Action – Initial Review(s)

Case No. 08-08 Frank Lobacz, MD(H)

Mrs. Springer stated that Dr. Lobacz had reported a charge related to 2002 income taxes on his 2008 renewal form in accordance with A.R.S. §32-3208. At issue was that the report of the charge was not made within 10 days of the date the charge was issued in the State of New York.

Dr. Grout made a motion to open an investigation and invite Dr. Lobacz for an investigative interview. Dr. Rupley seconded the motion that passed unanimously.
Vote: 6-0

Case No. 08-09 Edward Kondrot MD MD(H)
Following a brief discussion Dr. Grout made a motion to open an investigation and request primary jurisdiction in this matter. The information provided indicates that the procedures provided to the complainant were primarily homeopathic in nature. Dr. Rupley seconded the motion that passed unanimously.
Vote: 6 – 0

V. Administrative Review of Previous Actions

Charles Crosby MD(H) License No. 0154
The Board reviewed and discussed the compliance report provided by Dr. Crosby in accordance with the terms of a consent agreement. Board members found that Dr. Crosby was compliant with the consent agreement.

05-20 Thomas Grade MD(H)
Dr. Rupley made a motion to move to executive session for legal advice at 1:55 p.m. Mr. Farris seconded the motion that passed unanimously.

The Board returned to the regular session and Dr. Rupley moved to administratively close this previously tabled case without prejudice. In making his motion, Dr. Rupley noted that should Dr. Grade reapply for licensure the Board would be free to consider the underlying facts of this case that may have contributed to the revocation action taken by the Arizona Medical Board against Dr. Grade's allopathic license. Dr. Adler seconded the motion that passed unanimously.
Vote: Close without prejudice 6 - 0

06-16 Jeff A. Baird
Mrs. Springer provided a copy of the Consent Agreement and Order of Censure signed by Dr. Baird. Dr. Grout made a motion approving the Consent Agreement and Order of Censure as drafted. Dr. Rupley seconded the motion that passed unanimously.
Roll Call Vote: Order of Censure 6 – 0

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

A. Rules

1. Proposed Rules Chapter 38, Article 3, R4-38-301-311 Medical Assistants
Mrs. Springer informed the Board of the status of the ongoing rulemaking and requested clarification from board members regarding questions that had been posed by various individuals. The Board discussed the following: supervision guidelines relating to the number of hours per week that the medical assistant should be observed performing delegated procedures; the number of post graduate hours of training a supervisory physician must have in order to provide adequate supervision; the number of formal training hours required to serve as a medical assistant providing homeopathic repertorization procedures; and whether or not an applicant with EMT or military medical training would fall within the category of previously licensed health care professional.

B. Legislation

1. Legislative Report – Status update

Mrs. Springer informed board members that SB 1236 and 1123 had cleared the senate. The omnibus, SB 1236 had been amended to allow an exemption for spiritual providers of homeopathy and an amendment had been added to the definition of minor surgery as well as licensure criteria relating to physicians with previously revoked or surrendered licenses. She reported that the two year extension bill (SB 1123) was in the house and appeared to be moving forward.

VII. Review, Consideration and Action on Professional Business

1. The Board discussed Dr. Jacqueline Krohn's informed consent relating to antigen testing. They tabled the discussion to request additional information from Dr. Krohn relating to whether the consent refers to standard testing with preservatives or preservative free testing.
2. Dr. James Bradstreet's informed consent relating to Heavy Metal Detoxification for Autism, Autism Spectrum Disorders, ADHD, and Learning Disorders was also tabled. The Board directed Mrs. Springer to request additional clarification relating to the type of procedure to which the consent was referring and clarification of terminology related to the various types of procedures.
3. Mrs. Springer discussed the controlled substances prescription monitoring program conducted by the Arizona Board of Pharmacy. The Board directed she notify licensees of the program's implementation.
4. Discussion of the implementation process related to continuing medical education for homeopathic physicians. Discussion tabled
5. Discussion relating to implementation of laws requiring informed consent for procedures defined under the practice of homeopathic medicine. Discussion tabled.

VIII. Review, Consideration and Action on Other Business

1. A brief overview of the February 28, 2008 financial report was presented by the executive director. She stated that the ending cash balance is \$87,645 and 70.5% of the \$97,500 appropriation had been expended. The 2008 renewal is ongoing. As of the end of February there were 97 homeopathic license renewals, 51 dispensing permits, and 28 medical assistants were renewed. In response to a question from Dr. Rupley, Mrs. Springer indicated that 10 licensees had not yet renewed and she was in the process of sending out final notices.

IX. Call to the Public

No members of the public were present.

X. Future Agenda Items

Continuing Medical Education Rules – development of proposed language
Informed Consent – consider sample form relative to professional conduct statute
Investigator training

XI. Future Meeting Dates

March 18, 2008 Teleconference Meeting – 7:30 a.m.

XII. CLOSE OF BUSINESS/ADJOURNMENT

The meeting adjourned at 3:35 p.m. following a motion by Mr. Farris. The motion was seconded by Dr. Grout and passed unanimously. The next Regular Meeting of the Board

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will convene at the State Board's Offices, 1400 W. Washington, Basement Conference Room B-1, Phoenix, Arizona, 1:00 P.M. on May13, 2008.

Respectfully Submitted,

Christine Springer
Executive Director

Approved at regular meeting 5-13-08