

**Arizona State Board of Homeopathic Medical
Examiners
Minutes of Regular Meeting
March 13, 2007**

I. CALL TO ORDER

Presiding officer, Charles Schwengel DO, MD(H), called the meeting to order at 9:00 a.m.

ROLL CALL

Present:

Charles Schwengel, DO, MD(H)
Martha Grout, MD, MD(H) (arrived 9:20 a.m.)
Don Farris
Garry Gordon, MD, DO, MD(H)
Todd Rowe, MD, MD(H)

Absent:

Marie Stika

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

II. REVIEW/APPROVAL OF MINUTES

Regular Minutes – January 9, 2007

Dr. Rowe moved to approve the January 9, 2007 regular meeting minutes. Mr. Farris seconded the motion that passed with a majority vote.

4-0: Schwengel, Farris, Gordon, Rowe.

Executive Session Minutes – January 9, 2007

Dr. Rowe moved to approve the January 9, 2007 executive session minutes. Mr. Farris seconded the motion that passed with a majority vote.

4-0: Schwengel, Farris, Gordon, Rowe.

Teleconference Meeting Minutes – January 19, 2007

Dr. Gordon moved to approve the January 19, 2007 teleconference meeting minutes. Mr. Farris seconded the motion that passed with a majority vote.

4-0: Schwengel, Farris, Gordon, Rowe

III. REVIEW, CONSIDERATION, AND ACTION ON PENDING APPLICATIONS

(Note the order of the agenda was changed and board members present considered the compliance report concerning Dr. Jeffrey Rutgard.)

Compliance Report(s)

1. Jeffrey Rutgard MD(H)

The Board discussed the status of Dr. Rutgard's compliance with the terms of his consent agreement and order. Mr. Farris expressed concern with the number of CME's Dr. Rutgard must complete before the term of the agreement concludes in November, 2007. Dr. Gordon expressed similar concerns and urged the executive director to notify Dr. Rutgard that he is non-compliant with the 150-day reporting requirements and that

CME's must be completed in accordance with the terms of the consent agreement and order

(Note: Dr. Grout joined the meeting at this time.)

Physicians

James Bradstreet, M.D.

Dr. Rowe recused himself from this discussion.

The Board reviewed Dr. Bradstreet's license request noting that his application documented proficiency as defined in AAC R4-38-103 (C) in chelation, orthomolecular medicine, and classical homeopathy. The Board conducted an oral examination and following this review Dr. Gordon moved to approve the application. Dr. Grout seconded the motion that passed with a majority vote.

Vote: 4-0 Gordon, Grout, Schwengel, Farris

Rowe recuse

Stika absent

Homeopathic Medical Assistant New Applications

Jon Michael Wheat

Dr. Rowe recused himself from this discussion.

The Board reviewed Dr. Wheat's application and noted that he was also licensed at the Board of Nursing and the Board of Chiropractic Examiners. They discussed his prior violations for DUI and established that his lifestyle changes did not reflect further incidences of addictive behavior.

The Board adjourned to Executive Session pursuant to A.R.S. §38-431.03(A)(3) for legal advice at 10:00 a.m. following a motion by Dr. Grout, seconded by Mr. Farris. The motion passed with a majority vote. The Board returned to the regular session at 10:25 a.m.

Mr. Farris questioned Dr. Wheat and inquired why he was seeking to be a homeopathic medical assistant when he was already a licensed chiropractor. Dr. Wheat explained that he is completing the clinical component of his classical homeopathic training at the Desert Institute School of Classical Homeopathy and that he must be registered before he can see patients in the clinic. Dr. Wheat indicated he is aware of the requirement that his work must be supervised.

The Board requested that Dr. Wheat complete his application pursuant to *A.A.C. R4-38-310(B)(2)* and provide a written affidavit clarifying his reasons for seeking registration as a homeopathic medical assistant. Dr. Grout moved to approve the registration upon receipt of the additional clarifying information. Dr. Gordon seconded the motion that passed with a majority vote.

Vote: 4-0 Grout, Schwengel, Gordon, Farris

Rowe recused

Stika absent

Status report – Incomplete Physician and HMA Applications

Mrs. Springer gave a status report on the pending applications of Richard Melde, MD, David Korn, DO, and Jessie Paige MacMillan, an applicant for HMA.

IV. REVIEW, CONSIDERATION AND ACTION REGARDING INVESTIGATIONS/COMPLAINTS

Informal Interview pursuant to ARS 32-2934 (G)

07-01 Thomas Grade, MD(H)

Dr. Grade did not appear for the time specific informal interview. Mrs. Springer described the procedure she followed in providing notice of the informal interview to the licensee.

Dr. Rowe made a motion to schedule this matter for a formal hearing pursuant to ARS 32-2934 (G). Dr. Grout seconded the motion that passed unanimously.

Vote: 5-0 Grout, Rowe, Schwengel, Farris, Gordon
Stika – absent

Ongoing Complaint Reviews

06-15 Thomas Lodi, MD, MD(H)

Dr. Gordon announced his recusal and stated that as the assigned investigator he would not participate in the vote.

The Board requested that Dr. Gordon summarize the case. Dr. Lodi was present and responded to questions posed to him regarding the allegations made in the complaint.

Finding no violations of A.R.S. §32-2933, Dr. Rowe made a motion to close the investigation and dismiss the matter. Dr. Grout seconded the motion that passed with a majority vote.

Vote: 4-0 Grout, Rowe, Schwengel, Farris
Gordon recused
Stika – absent

Status Reports – Ongoing Complaint Reviews

05-21 Thomas Grade MD, MD(H)

This matter remains tabled.

V. REVIEW, CONSIDERATION AND ACTION ON RULES, LEGISLATION, AND SUBSTANTIVE POLICY STATEMENTS

A. Public Hearing – Proposed Rules A.A.C. R4-38-105 Fees

1. At 11:30 a.m. a public hearing was held to take comment regarding proposed rulemaking to make current emergency fees permanent.

Nancy Tichenor, HMA, testified relative to the proposed rules. The Board noted receipt of written comments and commented that three of them requested an inactive status fee.

Dr. Rowe questioned AAG Wood about the process necessary to create a fee for an inactive status. AAG Wood commented that the Board would have to seek legislation and directed their attention to the Nursing Board statutes for potential language.

2. Following the hearing on proposed permanent fees Dr. Rowe moved to approve permanent fees at the levels currently in place under the emergency fee structure. Dr. Grout seconded the motion that passed unanimously.

B. Legislation

1. Mrs. Springer presented information relative to H.B. 2115 that proposes to allow medical boards to impose CME as a non-disciplinary tool in resolving complaint matters. She also noted the proposed impact of SCR 1016 regarding the ability of publicly funded employees to lobby legislative members. Should this referendum become law, publicly funded employees that may currently lobby members of the legislature could only continue to do so when specifically invited by a member of the legislature to present information relative to any pending legislation.
2. Legislative Committee Report - No report at this meeting

VI. PERFORMANCE AUDIT REVIEW/UPDATE

Pursuant to A.R.S. §38-431.03(A)(2) The Board adjourned to Executive Session at 12:15 p.m. to review confidential material related to the ongoing performance audit. Dr. Grout made the motion that was seconded by Dr. Rowe. Motion carried unanimously.

The Board returned to regular session at 1:43 p.m.

VII. REVIEW, CONSIDERATION AND ACTION ON PROFESSIONAL BUSINESS

1. Policy discussion and action on the following items:

- a) Conduct of the oral examination

Dr. Rowe quizzed board members concerning their opinion of whether to do away with the oral examination. Few regulatory boards utilize this method of gauging an applicant's competency. Mr. Farris commented that the oral examination is a tool the board can use to gauge the applicant's knowledge of the practice modalities.

AAG Wood indicated she would research the statutes to determine whether or not the oral examination falls within the confidentiality statutes. She noted the Board may wish to consider amending R4-38-103.

- b) Mrs. Springer confirmed that the July regular meeting was rescheduled to 12:30 p.m. on July 17, 2007.

The board agreed to meet in work session on Monday, April 30, 2007 at 1:00 p.m. should the preliminary audit be released to the board on April 25, 2007.

- c) Discussion of AAC R4-38-103 was discussed in conjunction with VII(1)a.

- 2) Review protocols and informed consents

- a) Review of Dr. Kraucak's informed consent for chelation therapy. Dr. Gordon indicated that upon the inclusion of suggested language utilized by other practitioners, the consents would be approved. Ms. Springer will contact him with the appropriate language.

- b) Dr. Page's informed consent for mesotherapy was approved.

- 3) Mrs. Springer explained that approximately \$5000 in appropriated funds may be available at the end of the fiscal year to provide a small amount for per diem payments to board members. AAG Wood suggested the board consider paying all outstanding warrants and then splitting any surplus between the members based on the number of meetings attended. Mrs. Springer explained that she was researching the cost of a rule writer to complete the medical assistant rules.

4) Dr. Rowe commented about the amount of detail provided in the regular minutes. He suggested that an identification of the matter discussed and the motions and votes would be sufficient and in line with the practices of other medical boards. He requested that Mrs. Springer research the minutes of the other medical boards and consider an abbreviated presentation of the business of the board.

VIII. REVIEW, CONSIDERATION, AND ACTION ON OTHER BUSINESS

Mrs. Springer provided an update of finances stating that the current cash balance as of February 28, 2007 is \$84200. As of that date 94 licensees had renewed and 47 dispensing permit renewals had been received.

IX. FUTURE AGENDA ITEMS

1. Recusal guidelines
2. Consideration of legislation related to inactive status
3. The conduct of the oral examinations
4. Review of upcoming board appointments
5. Tentative schedule to prepare audit response

X. CALL TO THE PUBLIC

Members of the public addressed the Board following agenda items VI.

Brad Gilmore , traveled from Idaho and stated his support for health freedom. He explained that in Idaho practitioners could practice homeopathic medicine, but could not practice integrative medicine in conjunction with allopathic medicine. He stated that he hoped Arizona would continue to allow consumers a freedom of choice in their health care.

Mrs. Billy Evans addressed the Board. She explained that traditional practitioners had not offered her much hope with a serious medical condition. Her available alternative, until she found her current practitioner who is a licensee of the Homeopathic Medical Board, was to travel to Mexico for certain treatments. She stated she was encouraged by the treatments available to her.

Mary Brown indicated that she was very happy with the alternative care provided by Dr. Lodi. She believes there is a place for both allopathic and homeopathic medicine. Her oncologist had encouraged her to look outside the box to other alternative therapies since an experience with traditional chemotherapy had been very difficult for her.

Dr. Schwengel thanked the members of the public that had participated in the call to the public.

XI. FUTURE MEETING DATES

Discussed with VII.(1)(b).

XII. ADJOURNMENT

The meeting adjourned after a motion from Dr. Grout at 2:45 p.m. Mr. Farris seconded the motion that passed unanimously. The next Regular Meeting of the Board will convene at the State Board's Offices, 1400 W. Washington, Basement Conference Room B-1, Phoenix, Arizona, 9:00 AM, on **May 8, 2007**.

Respectfully Submitted,

Christine Springer
Executive Director