

Arizona State Board of Homeopathic and Integrated Medicine Examiners

Regular Meeting Minutes

March 8, 2016

I. Call to Order, Roll Call

Presiding officer, Dr. Charles Schwengel, called the meeting to order at 9:00 a.m. and confirmed the attendance of the following board members:

Present:

Charles Schwengel DO, DO(H)
Alan Kennedy
Dr. Les Adler, MD, MD(H) (present by telephone)
LaJuana Gillette
Mary Grace Warner-Dunlop, MD, MD(H)

Christine Springer, Executive Director, Sabrina Kahn, Assistant Attorney General and Mona Baskin, Assistant Attorney General (present by telephone), and members of the public were also present.

At this juncture the board considered the appointment of acting board officers and presented a memorial plaque to family members of Dr Bruce Shelton, MD, MD(H)

Noting with sadness, the sudden death of Dr. Bruce Shelton, who had been the sitting Board President; Dr. Charles Schwengel stated that he would agree to serve as the Acting President. He confirmed that Mr. Alan Kennedy would continue in his office as Secretary-Treasurer and that Dr. Mary Grace Warner had agreed to serve as the Vice President until September, 2016 when elections would be held during the annual meeting as required by A.R.S. § 32-2903.

Dr. Schwengel also acknowledged and welcomed Sabrina Kahn, the Board's new Assistant Attorney General who will be replacing Mona Baskin.

At this point in the proceedings Dr. Schwengel poignantly remembered Dr. Shelton with the board and members of the public. He shared that Dr. Shelton had graduated at the top of his medical school class and was in practice when he developed a respiratory condition that had threatened his life. As the result of research he discovered homeopathy and had responded favorably to the therapy, which he felt had saved his life. Dr. Schwengel commented that Dr. Shelton had enjoyed serving with the Board and in other leadership positions for many years and that his contributions to the promotion and knowledge of homeopathy were many. At this point Dr. Schwengel invited family members, Mrs. Audrey Shelton and their daughter Lori to receive a memorial plaque in Dr. Shelton's honor.

(B) Introduction and address the board

Dr. Schwengel spoke briefly of his medical background and indicated he had completed his studies in Osteopathic Medicine at the College of Osteopathic Medicine of the Pacific in 1994. He indicated he was licensed as a homeopathic physician in 1996. Dr. Schwengel said

that he was looking forward to serving as the Acting President and that he had served, as a previous board member and as the board president. He felt that his previous experience serving with the board would be beneficial as would be beneficial to the board as it moves forward. Dr. Schwengel invited other members

Mr. Kennedy briefly spoke and stated his background for the audience. He said he had been a long time patient of Dr. Shelton's and that he would miss his expertise and assistance over the years.

Dr. Adler inquired if an additional board member would be appointed and Dr. Schwengel explained the process of appointing a new member. Mrs. Springer indicated that the Governor's office had been apprised of the death of Dr. Shelton.

II. Introduction and Welcome – Sabrina Kahn,

Dr. Schwengel introduced Assistant Attorney General, Sabrina Kahn and thanked Mona Baskin for her valuable service with the Board. Dr. Schwengel also acknowledged the important roll the assistant attorney general plays in advising the board and that he recognized their need to be ready at a moment's notice to advise the board with their legal questions. Ms. Kahn stated she was from Georgia and indicated she had been at the Attorney General's Office for three years. She stated she was happy to be in Arizona and that she was looking forward to assisting the board as their legal representative.

III. Review, Consideration, and Action on Minutes

Board members considered the minutes of the January 12, 2016 Teleconference Meeting.

MOTION: Mr. Kennedy moved to approve the minutes.

SECOND: Dr. Warner

ROLL CALL VOTE: 5 –Aye, 0 – nay

Kennedy, Gillette, Warner, Schwengel, Adler

MOTION PASSED

III. Review, Consideration and Action on Rules

Mrs. Springer commented that the Board's exemption request for the Doctor of Homeopathy rules was still pending action from the Governor's Office. Dr. Shelton stated that he would be visiting with the Health Policy Advisor, Christina Corieri later in the month and this item would be brought up for discussion.

IV. Review, Consideration and Action on New Applications

Physicians – Lisa Hunt D.O.

Dr. Lisa Hunt was invited to speak with the board concerning her pending physician application. She informed the board that she had recently been granted an Arizona Osteopathic medical license in addition to her active California osteopathic medical license. She stated she graduated osteopathic school in 1991 and had been introduced to homeopathy by Dr. Jerrald Tennant, another Homeopathic and Integrated Medicine Board licensee.

Mrs. Springer informed board members that Dr. Hunt had successfully completed the written examination and that her application file was complete.

Board members questioned Dr. Hunt regarding a disciplinary action taken against her California osteopathic medical license. Dr. Hunt responded to Dr. Warner's questions and noted that she had complied with all terms of the action taken in that state. In response to a question Dr. Schwengel posed about the California action, Mrs. Springer explained that Dr. Hunt had completed all of the requirements California imposed in their action and had attested to that in their verification of license filed with the homeopathic board.

Dr. Warner made a motion approving the license application of Dr. Hunt. Dr. Adler seconded the motion.

MOTION: Dr. Warner moved to approve the application.

SECOND: Dr. Adler

ROLL CALL VOTE: 5 –Aye, 0 – nay

Kennedy, Gillette, Warner, Schwengel, Adler

MOTION PASSED

Homeopathic Medical Assistants

Board members considered the application of **Alcides Betancourt**. An extensive discussion was held concerning citizenship documentation provided by the applicant. Mr. Kennedy and others inquired about the manner in which the board tracks licensees whose citizenship documents expire prior to annual renewal. Mrs. Springer described the process and stated she would flag the file to remind Mr. Betancourt that he must provide updated documents to confirm citizenship and/or valid alien status.

There was a thorough discussion of his educational credentials as a trained nurse from Cuba and the job description provided showing that he would provide IPT, IV treatments, UVBC, and chelation therapy assistance at Euro-Med.

Mrs. Gillette called the question.

MOTION: Mrs. Gillette moved to approve the application.

SECOND: Dr. Warner

ROLL CALL VOTE: 4 – Aye; 1 – Abstain

Adler, Warner, Schwengel, Gillette – Aye

Kennedy – Abstain

The application of **Yuslay Sanchez** was considered. They considered her educational credentials noting that she was also trained as a nurse in Cuba and that she would provide IPT, IV treatments, UVBC, and chelation therapy. The board reviewed her citizenship documentation and noted that her alien status would expire on March 2, 2017.

Mrs. Gillette made a motion to approve the application and require that Ms. Sanchez be provided notice, as in the case of Alcides Betancourt, that her citizenship and/or valid alien status be updated in March, 2017. Dr. Warner seconded the motion.

MOTION: Mrs. Gillette moved to approve

SECOND: Dr. Warner

ROLL CALL VOTE: 5 – 0 Aye

Adler, Warner, Schwengel, Gillette, Kennedy

V. Review, Consideration and Action Informed Consents/Protocols – (AAC R4-38-111)

Dr. Martha Grout was present to respond to questions concerning the informed consents and protocols she submitted for board review. The following consents were reviewed:

- (a) Consent for Testing and Medical Care Including the use of alternative, complementary, and integrative methods
- (b) Consent for needle aspiration/joint injection
- (c) Consent for bone marrow aspiration
- (d) Consent for tumescent liposuction for adipose-derived stem cell harvesting

The following protocols were considered:

- (e) Protocols for cell therapy – prepare the terrain

(f) Protocols for cell therapy – harvesting adipose tissue for stem cells

(g) Protocols for cell therapy – bone marrow injection or infusion

Dr. Warner questioned Dr. Grout concerning her Lidocaine dose calculations. Dr. Grout responded to the question regarding the chart calculations she provided. A brief discussion of staffing and the PRP procedure ensued.

MOTION: Dr. Warner moved to approve the protocols and consents pursuant to A.A.C. R4-38-111 as presented

SECOND: Mrs. Gillette seconded the motion

ROLL CALL: 5 – 0 Aye

Adler, Warner, Gillette, Kennedy, Schwengel

VI. Review, Consideration and Action on Professional Business

1. AAG Baskin presented information concerning A.R.S. §32-2914(C): charging of the actual cost of completing a professional conduct investigation. She explained that the costs associated with an investigation can only be assessed at the completion of an investigation and when the board has determined that there was a violation of the professional conduct statutes and discipline imposed. She further noted that all costs reimbursed to the Board revert to the General Fund.

The board was in consensus that a notice to licensees at the initial phase of an investigation should inform them that investigation costs will be imposed if a person is found in violation of the board statutes and discipline is imposed. In response to a question from Mrs. Gillette, AAG Baskin stated that costs revert to the general fund so that there is no perception that the Board is imposing the administrative costs in a punitive manner.

2. Noting that a question had been brought forth by Dr. Adler at the Board's last meeting, AAG Baskin addressed the question of whether an applicant may use self study to meet the statutory required qualifications for licensure pursuant to ARS 32-2912(G)(3). She noted that the statute allows preceptorships which, by rule, require an extensive breakout of the training provided by the preceptor to the student. The statute is specific that training must be provided by an educational institution, a formal postgraduate education program or the completion of a supervised preceptorship.

VII. Review, Consideration and Action on Rules and Legislation

a) Mrs. Springer stated she was continuing to finalize a draft of Articles 1, 2, and 3 of the rules regarding the Doctor of Homeopathy.

Mr. Kennedy addressed board members regarding HB2501 and his meeting he attended with Dr. Bruce Shelton with Ryan Peters of the Governor's Office of Appointments and Christine Corieri, of the Governor's Office of Health Policy. He stated that his understanding of the impact of the bill was that it would be positive to the Board and that there was a potential for cost savings to licensees since it had been proposed that no rent would be charged to those boards that were in the first wave of the consolidation. He stated the Board would be a separate entity within the Department of Health Services and that the Director of that agency would review board orders for conformance to ensuring that the board was not restraining competition. He noted that the bill had been proposed as an outcome of the Supreme Court's decision concerning the North Carolina Dental Board and their attempt to bar teeth whitening by non-dentists. Mrs. Springer clarified for the board that current rent costs were \$5000 per year rather than \$40,000 which had been a figure quoted in one of the first hearings held in the House Health Committee on HB2501. She also noted that amendments to the bill had clarified that an audit would be done on health regulatory boards to provide consistency in administrative processes.

VIII. Review, Consideration and Action on Previous Board Orders

Case 05-21

Dr. Schwengel reviewed the quarterly report Dr Charles Crosby submitted in compliance with the terms of the consent agreement and order issued in this matter. Dr. Schwengel stated that Dr. Crosby continued to be in compliance.

IX. Review, Consideration, and Action on Other Business

1. Financial Report

Mrs. Springer presented information regarding the current board financial standing. She indicated that as of March 4, 2016, revenue collections are at \$56,475 and expenditures at \$44,055. The legislative appropriation for FY2016 is \$102,800. The current ending cash balance is \$19,348. She indicated that it was her intention to complete all outstanding rent costs and half of the \$8500 owed to the Department of Administration for joint office costs by the end of April. That should leave the Board in good standing to complete the fiscal year in June.

X. Future Agenda Items

- Ability of the Board to assess fines as part of a disciplinary action and how the fine are accounted for
- Other board policies for accounting for investigative costs (NV and CT) and the AMB and OBEX
- Possibility of creating an investment account for cash revenues

XI. Call to the Public

No public members were present

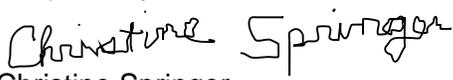
XII. Future Meeting Dates

The next regular meeting will be held on May 10, 2016 at 1400 West Washington, Conference Room B-1, Phoenix, Arizona.

XIII. Adjournment

The meeting adjourned at 10:35 a.m. following a motion by Mrs. Gillette. The motion was seconded by Dr. Adler and passed with a unanimous vote.

Respectfully Submitted,


Christine Springer
Executive Director

Approved by the Board in Regular Meeting on May 10, 2016