

# Arizona State Board of Homeopathic and Integrated Medicine Examiners

## Minutes of the Regular Meeting

May 10, 2011

### I. Call to Order, Roll Call

Presiding officer, Dr. Todd Rowe, called the meeting to order at 9:05 a.m.

#### Roll Call

Present:

Todd Rowe, MD, MD(H) ( )  
Martha Grout, MD, MD(H)  
Mary Ackerley, MD, MD(H)  
Dr. Les Adler, MD, MD(H)

Absent:

Alan Kennedy  
Don Farris

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

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

*Regular Meeting Minutes – March 8, 2011*

Mrs. Springer explained to the members of the Board that the minutes were not completely drafted. The agenda item was tabled to the next regular meeting.

*Executive Session Minutes – March 8, 2011*

Dr. Rowe noted his recusal from consideration of the executive session minutes. The minutes were tabled to the next regular meeting for lack of a quorum.

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

#### A. *Physicians*

Kathryn Slaine Saluski, M.D.

Dr. Rowe recused himself from consideration of this agenda matter. The Board tabled the discussion of the application to the next regular meeting for lack of a quorum.

#### B. *Medical Assistants*

Dr. Rowe recused himself from consideration of this agenda item.

Noting a quorum was not present, the applications of Kathryn Slaine Saluski, M.D. and Raffaele Conca, Michelle Davidson, J.J. Haza, and Cynthia Toschik were tabled to the next regular meeting.

**IV. Review, Consideration and Action on Complaints and Investigations**

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

Case No. 11-04 Stanley Olsztyn, MD(H)

Mrs. Springer provided a brief overview of the case for board members. Board members agreed that a medical consultant should review the case materials and prepare a report of their findings.

Dr. Rowe commented that the investigation should include a patient interview, an interview with Dr. Olsztyn and staff, a review of informed consent for the particular patients, and a review of the hospital records.

Dr. Grout suggested additional questions to consider, including whether the use of colchicine in this patient was appropriate, whether the dosage was correct, if it is common to obtain labs before treatment is initiated, and what criteria is used for proper follow-up of the patient as they undergo treatment.

Dr. Adler stated the shelf life of the colchicine should be reviewed as well.

Dr. Rowe made a motion to open an investigation into the complaint and submit the information to the medical consultant. Dr. Grout seconded the motion that passed unanimously.

Roll Call to open a complaint: 4 – 0  
Rowe, Grout, Adler, Ackerley

Case No. 11-05 Stefanie Workman, MD, MD(H)

Dr. Rowe recused himself from consideration of this matter that was tabled to the next regular meeting for lack of a quorum.

**B. Ongoing Cases**

Case No. 10-08 David Korn, DO, MD(H) – Status Update

Mrs. Springer stated the Arizona Osteopathic Board is continuing their investigation into this previously tabled matter.

Case No. 10-10 Edward Kondrot, MD, MD(H)

Mrs. Springer stated that she had completed her investigation into questions regarding why a refund of unused portions of the fees paid for office visits had not been made. She explained that Dr. Kondrot was awaiting the complainant's signature on a Release of Liability prior to return of the fees.

Dr. Rowe commented that he unclear as to the Board's role into mediation of financial disputes between patients and doctors.

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Board members agreed that in this matter, Mrs. Springer should continue to monitor the progress of obtaining the liability release and obtain a copy of the check showing payment of the refunded fees.

*Case No. 11-01 Elliott Schmerler (AKA: Elliott Dean, M.D.) – Status Update*

Mrs. Springer explained that she had sent correspondence to the Arizona Medical Board, the Office of the Attorney General – fraud division, and the Maricopa County Attorney's Office informing them of this matter and Dr. Schmerler's potential practice without a medical license. She explained that the County and Attorney General's Office had declined to investigate citing large backlogs and staffing issues. She stated she would provide additional information should she receive a response from the medical board.

*Case No. 11-02 Edward Gogek, MD, MD(H)*

Dr. Rowe recused himself from this agenda item.

Citing a lack of a quorum no action was taken and the discussion of the matter was moved to the next regular meeting.

*Case No. 11-03 Frank Lobacz, MD(H)*

Mrs. Springer stated Dr. Lobacz is awaiting sentencing and remains incarcerated in New York. She would continue to monitor the progress of the federal case against him.

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

**A. Rules**

**Public Hearing**

The public hearing to consider a Notice of Proposed Rulemaking on Chapter 38, Article 1, Section 103 through Section 115 was noticed for 11:30 a.m. and took place after the regular meeting adjourned. Mrs. Springer was present to take comments from members of the public.

There was one member of the public present who was observing the proceedings and did not wish to make an oral statement about the proposed rules.

Mrs. Springer closed the comment period at 12:00 p.m. after no other public members were present to make an oral comment.

**B.. Legislation**

1. SB1175 Doctor of Homeopathy license – status update

Dr. Rowe recused himself from this discussion.

Noting that a quorum was not available, Board members tabled the matter until the next regular meeting.

2. Update on legislation including HB2102, HB2501, HB2520, HB2615, SB1382, SB1458

AAG Baskin commented that her office may provide guidance concerning these legislative changes at a future date.

Board members briefly discussed the effects of HB2102 which would require a photograph of the applicant on documentation presented in support of citizenship status.

Mrs. Springer commented that HB2520 bans the current practice of posting nondisciplinary advisory letters and letters of concern on board web sites but also requires that a statement be placed on the web site indicating the public may contact the Board directly to obtain such records.

A brief discussion was also held concerning SB 1382 and SB 1458.

SB1382 removes the term "homeopath" from the list of protected titles from the Board's statutes. SB 1458 requires that a temporary license may be issued to spouses of active duty military if that spouse is certified or licensed in the profession in another state. Mrs. Springer commented that the Board does not issue temporary licenses and in any case just three states license homeopathic physicians or issue a permit to homeopathic medical assistants.

## **VI. Review, Consideration and Action on Professional Business**

A brief discussion was held on telemedicine practices. Board members Grout and Rowe commented that Arizona has become known for its availability of alternative medicine. Furthermore, patients come from all around the country to see homeopathic physicians. Guidelines governing the safe practice of telemedicine related to these patients choosing alternative medicine treatment would be useful for licensees that seek to accommodate the medical needs of distant patients but who also seek to keep costs affordable.

## **VII. Review, Consideration and Action on Other Business**

### ***Executive Director Report***

1. Mrs. Springer presented a brief overview of finances as of April 30, 2011. Current cash balance is \$33,707 and 74.9% 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 \$89,277 as of April 30, 2011. Revenues received are \$79,520.

Operating Transfer to General Fund \$2200 (Swept from cash and appropriation)

## **VIII. Call to the Public**

Following an invitation from Dr. Rowe, there were no members of the public that wished to make a statement to the Board.

## **IX. Future Agenda Items**

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- Dr. Lobacz final sentencing information
- Telemedicine – form subcommittee and research rules of other medical boards on this topic
- Fees
- Dr. Rowe – continuation of board service

**X. Future Meeting Dates**

A teleconference meeting will be scheduled tentatively before the end of the month to address some of the tabled agenda items from this meeting.

**XI. Adjournment**

The meeting adjourned at 10:41 a.m. following a motion by Dr. Grout. The motion was seconded by Dr. Rowe and passed unanimously. 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 July 12, 2011.

Respectfully Submitted,

Christine Springer  
Executive Director

**REVIEWED AND APPROVED IN REGULAR MEETING ON 7-12-11**