

# Arizona State Board of Homeopathic and Integrated Medicine Examiners

## Minutes of the Regular Meeting

May 11, 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)  
Dr. Les Adler, MD, MD(H)  
Don Farris  
Alan Kennedy (arrived 10:30 a.m.)  
David Rupley, Jr., MD(H)

##### Absent:

Martha Grout

Christine Springer, Mona Baskin, Assistant Attorney General (arrived 9:08 a.m.), and members of the public were also present

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

#### *Rules Committee Teleconference – April 26, 2010*

Dr. Rupley moved approval of the teleconference meeting minutes and Mr. Farris seconded the motion. The motion was passed by Drs. Rowe, Rupley, Adler and Mr. Farris.

#### *Regular Meeting Minutes – January 12, 2010*

Dr. Rupley moved to approve the regular meeting minutes and Mr. Farris seconded the motion. The motion was passed by Drs. Rowe, Rupley, Adler and Mr. Farris.

#### *Regular Meeting Teleconference – March 9, 2010*

Dr. Rupley made the motion approving the teleconference meeting minutes. Dr. Adler seconded the motion. The motion was passed by Drs. Rowe, Rupley, Adler and Mr. Farris.

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

#### A. Physicians

There were no completed physician applications.

#### B. Medical Assistants

At Dr. Rowe's request, Mrs. Springer provided educational and experience backgrounds on the applications submitted for homeopathic medical assistant

Soila Vasquez

Dr. Adler made a motion approving the application. Dr. Rupley seconded the matter that passed following a brief discussion. Dr. Adler, Dr. Rowe, Dr. Rupley and Mr. Farris were present for the vote.

Keri Lundeen

Dr. Rupley made a motion to approve the application of Ms. Lundeen. Mr. Farris seconded the motion that passed unanimously.

Dr. Rowe recused himself during the discussions of the applications filed by Mario Fontes and Blanca Meza. Mr. Farris chaired the meeting during the discussion.

Mario Fontes

Dr. Rupley made a motion approving the application submitted by Mr. Fontes. Mr. Kennedy seconded the motion that passed unanimously 4 – 0 (Kennedy, Rupley, Farris, Adler). Rowe recused.

Blanca Meza

Dr. Adler moved to approve the application submitted by Blanca Meza. Dr. Rupley seconded the motion that passed unanimously 4 – 0. (Kennedy, Rupley, Farris, Adler). Rowe recused.

#### **IV. Review, Consideration and Action on Previous Board Orders**

##### **1. Charles Crosby – Quarterly report**

Dr. Rowe commented that his review of the quarterly report indicated that Dr. Crosby was in compliance with the terms of the Board's Consent Agreement and Order.

2. Mrs. Springer reported that Dr. Schroeder had submitted twelve hours of continuing education as requested in a Non-Disciplinary letter of concern issued by the Board in Case No. 09-08. The Board requested that Dr. Schroeder be informed in writing of his compliance with their request.

#### **V. Review, Consideration and Action on Complaints and Investigations**

##### ***A. Review, Consideration, and Action - Ongoing Reviews***

Case No. 09-11	Fry's Pharmacy vs. Lloyd Arnold, MD(H)
Case No. 09-17	Lloyd Arnold, MD(H) (OBEX Referral)
Case No. 10-03	P.U. vs. Lloyd Arnold, MD(H)

Mrs. Springer provided a status update on these matters stating that Dr. Arnold had informed her of his retirement from medicine and sale of his medical practice. She stated he had indicated his interest in entering into a Consent for Voluntary Revocation of his homeopathic medical license and that his Osteopathic license had been surrendered on February 27, 2010.

Dr. Rowe indicated he would support a consent agreement for voluntary revocation of Dr. Arnold's homeopathic medical license.

In response to a question from Dr. Rupley regarding whether a revocation of license would be permanent, Mrs. Springer stated that current statutes preclude the Board from considering a new application for five years from the date of an action taken against a license. In addition,

Dr. Arnold would have to have an active Osteopathic license prior to applying for a new homeopathic license.

Dr. Rupley made a motion to have the Assistant Attorney General prepare a Consent to Voluntary Revocation for Dr. Arnold. Dr. Rowe seconded the motion.

During discussion, Dr. Adler inquired if it would be possible for Dr. Arnold to allow his license to expire by not renewing it. Mrs. Springer explained that the outstanding matters against the license would have to be reviewed prior to any license expiration. She also commented that Case Nos. 09-17, 10-03, and 10-04 should be administratively closed with an option to re-open at a future date should Dr. Arnold request re-licensure. The Board would have an opportunity to vote on this suggestion when a signed Consent Agreement and Voluntary Surrender is submitted to them for their consideration.

The question was called and the motion passed unanimously 4 – 0

Roll Call to issue a Consent Agreement for Voluntary Revocation  
Aye – Rupley, Farris, Adler, Rowe  
(Mr. Kennedy not present for this discussion)

***B. Review, Consideration, and Action – Tracking Log Notification of New Complaints Filed***

**Case No. 10-04      G.S. vs. Lloyd Arnold, MD(H)**

Mrs. Springer commented briefly concerning this matter that had been referred to the board from the Osteopathic Medical Board in February. She suggested the Board consider administrative closure when Dr. Arnold agrees to sign the Consent to Voluntary Revocation of his homeopathic medical license.

Dr. Rupley made the motion to administratively close the investigation of this matter with an option to reopen should Dr. Arnold reapply for a homeopathic medical license. Dr. Adler seconded the motion that passed unanimously.

Roll Call: 4 – 0 (Adler, Rupley, Farris, Rowe)

*(Mr. Kennedy arrived at 10:30 a.m. during the discussion of this agenda item, but did not vote on the matter)*

**Case No. 10-05      R.B. vs. Stephen Davison, DO, MD(H)**

Mrs. Springer stated that the Osteopathic Board had referred this complaint to the Homeopathic Board. The complaint referred to an office visit in 2003 in which R.B. had sought treatment from the doctor. The complainant disputed fees, a subsequent referral to collections, and alleged unprofessional conduct by the doctor.

Dr. Rowe, expressed concern about the lengthy delay in submitting the complaint. In addition, a business owner (in this case, the physician) does not have authority over the manner in which a collection agency pursues an outstanding debt. He noted that the complainant had not made a referral to the police department concerning allegations of unprofessional conduct.

*(At this point in the meeting, the Board took a 10 minute recess to review Dr. Davidson's written response to the complainant.)*

Upon the Board's return, Dr. Rupley commented that Dr. Davison had attempted to compromise and reduce the fee for the complainant but had not been successful in securing payment which had ultimately led to a referral to collections in 2004. He stated that there was insufficient evidence to prove unprofessional conduct.

Mr. Kennedy made a motion declining to open the complaint. Mr. Farris seconded the motion that passed unanimously.

Roll Call: 5 – 0 (Kennedy, Farris, Rupley, Adler, Rowe)

**Case No. 10-06 M.C. vs. Les Adler, MD, MD(H)**

Dr. Adler recused himself from this matter and sat in the audience.

Mrs. Springer provided a brief review of the complaint allegations. Dr. Rowe made a motion to open an investigation and provide the information to a medical consultant. The motion was seconded by Dr. Rupley.

In the discussion, Dr. Rowe requested the consultant consider the following in their review: a) the terms of the contract between Dr. Adler and Alternative to Meds; b) within that contractual framework was it the doctor's responsibility to treat psychiatric needs of residents at Alternative to Meds; and c) did the care provided by Dr. Adler to M.C. violate any homeopathic practices and meet the needs of the patient?

The question was called and the motion passed with a majority vote.

**Case No. 10-07 R.S. vs. David Korn, DO, MD(H)**

Mrs. Springer gave her report of the complaint allegations. Board members expressed concern about a possible violation of HIPPA laws and patient confidentiality. The Board directed Mrs. Springer to interview patients and staff that may have been present in the waiting room.

Dr. Adler made a motion to open an investigation. The motion was seconded by Mr. Farris and passed unanimously.

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

**A. Legislation**

1. Mrs. Springer reviewed the following legislative bills with board members:  
HB2030 – the legislature approved the board's extension until July 1, 2020;  
SB1250 – would have allowed the use of the term homeopath by non physicians. The bill was not approved;  
SB1255 – the bill was approved and signed by the Governor. It regulates the way health care service advertisements show a professional's name and title  
HB2545 – the bill was approved and signed by the Governor. It regulates the posting of dismissed complaints and non disciplinary actions on a regulatory board's website.

The Board requested that additional information concerning HB2545 and SB1255 be provided at the July board meeting.'

2. and 3. Dr. Rowe recused himself from this discussion.

Patrick Hesselman, President of the Board of Directors of the American Medical College of Homeopathy (AMCH), presented an update to the Board on the status of the DHPP and HPCP programs offered by the American Medical College of Homeopathy.

Mr. Hesselman stated that the college will offer the programs beginning February, 2011. The degree is four years, consists of 4280 hours, and students must have a B.A. prior to entry. Comprehensive examinations will be completed at the end of the second and fourth years. Current accreditation includes the CHE (Council for Homeopathic Education), the Higher Learning Commission, and the Arizona State Board of Private Postsecondary Education.

Mr. Hesselman stated that in 2004, the Board voted to support the college in its initiative to graduate doctors of homeopathy (DHPP). In his review of the upcoming sunrise application he stated that he is hopeful the Board will continue its support of their application and co-sponsor the application.

There was discussion about the proposed title that graduates would use as their professional designation. Mr. Hesselman stated that the training is oriented strictly to homeopathy and the doctoral level of the training would be reflected in the title. Mr. Kennedy inquired whether other boards had co-sponsored sunrise applications and expressed concern that it may be inappropriate for the Board to do so. He suggested an endorsement of the proposal. Mrs. Springer stated she would contact other Boards to determine if they had information regarding co-sponsoring legislation.

The Board thanked Mr. Hesselman for his time and presentation and tabled the matter until the July meeting. Mrs. Springer was directed to conduct research on the appropriateness of the Board serving as a co-sponsor of the sunrise application.

## **B. Rules**

***(Notice: the public hearing noticed under agenda item B.(1)c. scheduled for 11:30 a.m. was held before agenda items B(1)a. and b. were discussed)***

### **1. A.A.C. Chapter 38, Article 1. General**

***a. and b. Discussion of termination of existing rulemaking docket and approval to open a new rulemaking docket.***

Mrs. Springer directed the Board's attention to the April 26, 2010 minutes of the Rules Committee and noted that the Board had voted to delete new proposed section R4-38-106 concerning competency. A discussion with members of the Arizona Homeopathic and Integrated Medical Association led the committee to conclude that community support was not forthcoming for several reasons as indicated in a letter received from the association. Primarily, the number of hours indicated in the proposed competency rules did not account for nor recognize years of clinical practice homeopathic physicians have and the minimum standards (300 post graduate hours with at least 40 in classical homeopathy) current licensees meet would not have allowed those same individuals to establish competency since the number of proposed hours in proposed Section 106 was dramatically increased. She stated the committee agreed that the rulemaking should be terminated and a new docket opened without the proposed competency standards.

Finally, she directed the Board's attention to the discussion relative to neurotherapy and stated that new proposed rules would not define separate standards for this modality, although the Board recognizes that licensees do utilize the therapy within their practices.

Mr. Kennedy moved to confirm the recommendations of the rulemaking committee to terminate the current rulemaking docket and reopen rulemaking on Article 1 under a new docket. Dr. Rupley seconded the motion.

During discussion, Dr. Rowe commented that the Board had proposed the minimum competency standards as an outcome of the Board's response to findings published in the Auditor General report. He noted that the finding had also been addressed by changing the examination to include questions in all of the modalities recognized in statute. Eventually, the Board must address the competency issue to ensure new licensees have minimum knowledge and training in each of the recognized modalities and he urged the association to continue discussions relative to the issue.

The question was called and the motion to terminate the Notice of Proposed Rulemaking and to open a new rulemaking docket on Article 1 made by Mr. Kennedy passed unanimously.

***c. Public Hearing A.A.C. Chapter 38, Article 1, General***

At 11:30 a.m. the Board convened a public hearing to take oral comments on the Notice of Proposed Rulemaking filed in the Secretary of State's office and published in the *Arizona Administrative Register*.

Dr. Bruce Shelton was present on behalf of the professional association of licensed homeopathic physicians, AzHIMA. As described in correspondence previously sent to the Board, he reiterated that the proposed rules did not consider clinical experience to establish minimum competency and stated this was unrealistic and unfair. He pointed out that the current license standard of 300 post graduate hours with at least 40 hours in classical homeopathy is far less than what was published in the Notice of Proposed Rulemaking and very few licensed homeopathic physicians would meet the proposed standard. He urged the Board to revise the proposal and terminate the current proposed rulemaking.

The Board thanked Dr. Shelton for his time and comments and noting no other persons were present to comment on the rulemaking the Board closed the hearing.

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

1. Dr. Adler made a motion approving the Protocol and Informed Consent for Insulin-potentiated Therapy (IPT) submitted by Dr. Martha Grout. Mr. Farris seconded the motion that passed unanimously.
2. Dr. Rupley moved to approve the Protocol and Informed Consent for Chelation Therapy submitted by Dr. Rick Shacket. Motion was seconded by Mr. Farris and passed unanimously.
3. The Board noted that continuing education request applications submitted by Dr. Mark Laursen for the courses Addiction Treatment, Assessment; Trauma and Grief and Suicide and Self Mutilation were incomplete. They tabled the matter and requested that the director contact Dr. Larson and inform him of the additional documentation needed.
4. Dr. Adler made a motion approving the following continuing education applications submitted by Dr. Terry Friedmann:
  - Essential Oils, MS, FMS, Autism, ADD/ADHD for 1.5 hours
  - Elimination of Toxins for 2 hours.His motion was seconded by Dr. Rowe and passed unanimously.

A request for 9 hours at a Young Living for Life Conference was denied.

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

a. Mrs. Springer gave a brief overview of board finances as of April 30, 2010. She stated that the current cash balance is \$43,483 and 87.5% of the appropriation amount of \$104,900 has been spent. The current balance in the appropriated fund is \$12,909.

b. Mrs. Springer provided information on the continuing serious budget crisis within Arizona State Government and explained that the office would close six days per year for the next two fiscal years as mandated by the legislature. The furloughs are without pay and are in addition to the withdrawal of state employee's performance pay. She stated that the Board's website would inform the public of the specific days the office would close.

**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**

- HB2545 and SB1255
- Review Continuing Education Application format
- AMCH Sunrise Application

**XI. Future Meeting Dates**

Teleconference Meeting will be scheduled to approve or disapprove the Consent Agreement and Order of Voluntary Revocation in Case No. 09-11 upon receipt of Dr. Arnold's signature approving of the consent agreement.

**XII. Adjournment**

The meeting adjourned at 1:05 p.m. following a motion by Mr. Farris. The motion was seconded by Dr. Adler 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 July 13, 2010.

Respectfully Submitted,

Christine Springer  
Executive Director