

Arizona State Board of Homeopathic and Integrated Medicine Examiners

Minutes of the Regular Meeting

July 13, 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)
Martha Grout, MD, MD(H)
Don Farris
Dr. Les Adler, MD, MD(H)
Alan Kennedy
David Rupley, Jr., MD(H)

Absent:

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

Status Report and Presentation of Plaque – Dr. Rupley

Mrs. Springer commented that Board appointments were pending and no action had been taken by the Governor's Office as of the date of the meeting.

Dr. Rowe took this opportunity to recognize the many contributions of time and knowledge that had been made by Dr. Rupley during his three years on the Board. The other members also offered their thanks as Dr. Rowe presented a plaque to Dr. Rupley for his service.

II. Review, Consideration, and Action on Minutes

Regular Meeting Minutes – May 11, 2010

Dr. Rupley moved to approve the regular meeting minutes. Mr. Farris seconded the motion that passed with a majority vote by Dr. Rowe, Dr. Rupley, Dr. Adler, Mr. Farris and Mr. Kennedy. Dr. Grout abstained from the vote.

Special Meeting Minutes – June 8, 2010

Dr. Grout made a motion to approve the special meeting minutes. Mr. Farris seconded the motion that passed with a majority vote by Dr. Rowe, Dr. Rupley, Mr. Farris, and Dr. Grout. Mr. Kennedy and Dr. Adler abstained from voting.

V. Review, Consideration and Action on Complaints and Investigations

A. Review, Consideration, and Action – Initial Reviews

Case No. 10-06

Les Adler, MD, MD(H)

At the beginning of this discussion, Dr. Adler recused himself and sat in the audience with his attorney, Stephen Myers. Responding to Dr. Rowe's request, Mrs. Springer made a brief report on the complaint allegations and potential violations of law.

Medical Consultant, Dr. Pamela Pappas was invited to present her report of her review of the medical record and complaint allegations. She noted that the complainant had focused a number of allegations at the behavioral health facility dba: Alternative to Meds Center and that the original complaint had been sent to the Arizona Department of Health Services, Behavioral Health Licensing. From there it had been directed to the Arizona Medical Board who ceded jurisdiction to the Homeopathic Board.

Dr. Pappas noted that the complainant alleged that no mental health status examination had been performed during her first visit with Dr. Adler. However, a review of the medical documentation indicates that the purpose of the visit had been to assess the patient's need for nutritional supplementation and obtain blood work for chelation therapy. She noted Dr. Adler's evaluation of M.C.'s shoulder issue had been medically appropriate and that he had referred the patient for additional care at an orthopedist. Dr. Pappas stated she could find no evidence of misconduct in Dr. Adler's care of this patient.

Board members questioned Dr. Pappas concerning aspects of Dr. Adler's contract with the care center.

Dr. Adler was invited to address the Board. Mr. Farris inquired about why Dr. Adler had terminated his contract with the care center. Dr. Adler indicated he was uncomfortable with his inability to find a psychiatrist in town that was available to work directly with the care center and determined that he should terminate the contract. Dr. Rowe commented on standard of care noting that the patient did not present with psychiatric issues and in his view, Dr. Adler's care had been appropriate given the documented medical reasons for the patient's visit.

Mr. Farris made a motion to dismiss the complaint noting that the allegations were unsubstantiated. Dr. Grout seconded the motion that passed with a majority vote: 5 – 0
Roll Call to dismiss: Grout, Rupley, Kennedy, Farris, Rowe
Adler - recused

B. Review, Consideration, and Action – Ongoing Reviews

Case No. 10-07

David Korn, DO, MD(H)

Mrs. Springer presented a report of the allegations made by R. S. against Dr. Korn. She indicated she had been unable to verify the complainant's allegations through her phone conversations with staff and five patients present during the alleged incident.

Mr. Farris expressed his concern that all of the patients that may have been present during the alleged incident should be contacted. Mrs. Springer stated she had left multiple messages for one of the patients and that another patient's phone mailbox was full and could not accept other message.

Noting that the allegations could not be verified independently, Dr. Rowe recommended the complaint be dismissed. Dr. Rupley commented that the Board can not enforce HIPPA regulations and that R.S. may wish to consider a separate complaint to that authority.

Dr. Korn with his attorney, Markey Stewart, was invited to address the Board. In response to a question from Mr. Farris, concerning the location of patients in the clinic at the time of the incident; Dr. Korn responded that staff was present in the wait area and that there were 3 or 4 patients with staff in the IV room. He indicated that he had been in an examination room with a patient and had heard R.S. speaking to his receptionist in the wait area. He stepped out into the hallway to determine what was occurring and encountered R.S. coming through the door from the wait area. Dr. Korn stated he agreed to waive the fee but that a separate letter was sent to R.S. indicating he would no longer serve as his physician.

Dr. Rowe called the question and members of the Board voted 6 – 0 for dismissal.
Roll Call: Adler, Rupley, Rowe, Farris, Grout, Kennedy

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

No new complaints were filed.

IV. Review, Consideration and Action on Applications

A. Physicians

There were no physician applications.

B. Medical Assistants

Theresa Teeples

Dr. Grout recused herself from participation in this agenda matter.

At Dr. Rowe's request, Mrs. Springer provided information concerning the education and training background submitted by the applicant. Noting that the applicant meets registration requirements of *A.A.C. R4-38-303(B)*, Dr. Rupley made a motion approving the application. Dr. Adler seconded the motion that passed 5 – 0.

Dr. Adler, Dr. Rowe, Dr. Rupley, Mr. Farris and Mr. Kennedy voted in favor of the application. Dr. Grout recused.

V. Review, Consideration and Action on Previous Board Orders

1. Charles Crosby – Quarterly report

Following a review of the quarterly report submitted by Dr. Crosby, Board members noted that Dr. Crosby is In compliance with the terms of the Board's Consent Agreement and Order.

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

A. Rules

Mrs. Springer informed the Board she had filed a notice with the Secretary of State's Office to terminate the rulemaking relating to Article 1. A new notice to open the docket would be filed when the termination notice is published in the *Administrative Register*.

B.. Legislation

1. Dr. Grout chaired this agenda item as Dr. Rowe recused himself from participation in the discussion concerning the Sunrise Application to be filed by the American Medical College of Homeopathy. Generally, Assistant Attorney General Baskin's thought was that the Board's participation in the application could be limited to an endorsement of the application and a statement regarding whether or not the Board would agree to serve as the regulatory entity. She noted that correspondence should be reflective of an endorsement of the concept of regulation rather than of the school.

Mr. Kennedy stated his support of the endorsement and indicated he thought it was appropriate for the Board to do so.

Dr. Rupley made a motion directing that a letter of endorsement be sent to the College noting the Board's support of the concept of creating a distinct category of licensure for graduates of the program. He stated that the letter should also indicate the Board's agreement to serve as the regulatory entity for the program graduates.

Mr. Kennedy seconded the motion.

Dr. Adler commented that he was concerned about possible public confusion over the professional designation graduates of the program would use.

The question was called and passed unanimously with Board members agreeing to endorse the application 5 - 0.

2. With regard to SB1255 and HB2545, no additional information was provided at this meeting. Mrs. Springer stated that it is the usual practice of the Attorney General's Office to issue guidelines regarding legislation that affect boards and commissions. Assistant Attorney General Baskin concurred and indicated that additional information may be forthcoming by the next meeting.

VII. Review, Consideration and Action on Professional Business

1. The Board reviewed the wording on the continuing education application form. After some general discussion they agreed that if the application is submitted by a sponsor of continuing education the form should be reviewed by the Board prior to the date of the event. If the form is utilized by a licensee to meet requirements for renewal the form may be accepted with documentation after the event has occurred.

The Board took a five minute break at this point in the meeting.

2. Review, Discuss and Action on Informed Consents

A. No action was taken on the informed consents filed by Dr. Kotsanis. Dr. Rowe requested input from the assistant attorney general noting that he did not believe action was necessary if a therapy is not experimental within the meaning of the Board's regulations. Mrs. Springer indicated she would check with Ms. Baskin and place the matter on the next agenda.

B. No action was taken on the protocol submitted by Dr. Bruce Shelton. Dr. Rowe commented that the informed consent for HCG Diet Therapy did not include risks, alternatives, or benefits.

C. Continuing Education Review – Jeffrey Utter, B.S., B.C.C.T., F.C.T.
The Board reviewed and approved coursework in the amount of sixteen (16) credit hours for the course entitled Differential Diagnosis of the Musculoskeletal System; and approved four (4) credit hours for the course entitled Headaches and Other Conditions.

VIII. Review, Consideration and Action on Other Business

Mrs. Springer presented a brief overview of finances as of June 30, 2010. Current cash balance is \$44,404 and 100% of the appropriation amount of \$104,900 has been spent. The estimated balance in the appropriated fund is \$75. She indicated that the Board had expenditures of \$103,896.

Dr. Rowe expressed concern about the decline in the total number of licensed homeopathic physicians. Mrs. Springer explained that of the seven expired licenses three physicians had retired from practice, one passed away, one license was revoked, and two physicians had decided not to renew.

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

- Informed Consents – Need for approval under R4-38-109
- Article 2 – refer to rules committee
- Discuss loss of licensees, need for re-evaluation of budget process
- Annual Meeting - September

XI. Future Meeting Dates

XII. Adjournment

The meeting adjourned at 11:35 a.m. following a motion by Dr. Grout. The motion was seconded by Mr. Farris 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 September 14, 2010.

Respectfully Submitted,

Christine Springer
Executive Director

Approved by the Board at the September 14, 2010 Regular Meeting