

**Arizona State Board of Homeopathic Medical Examiners**  
**Minutes of Regular Meeting**  
**July 17, 2007**

**I. Call to Order, Roll Call**

Presiding officer, Dr. Charles Schwengel, called the meeting to order at 12:30 p.m.

**Roll Call**

**Present:**

Charles Schwengel, DO, MD(H)  
Todd Rowe, MD, MD(H)  
Don Farris  
Garry Gordon, MD, DO, MD(H)  
Martha Grout, 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, Consideration, and Action on Minutes**

Dr. Grout moved to approve the regular minutes of May 8, 2007. Dr. Rowe Seconded the motion that passed unanimously.

**III. Investigation 08-01 Review, Consideration and Action Regarding Possible Summary Action on Homeopathic Medical License No. 0164, Gary Page MD(H)**

Dr. Schwengel announced that he would recuse himself from the discussion of this agenda matter and turned the meeting over to Dr. Rowe. Dr. Gary Page was in attendance by telephone.

Dr. Gordon made a motion to adjourn to executive session for legal advice at 12:42 p.m. Dr. Grout seconded the motion that passed with a majority vote. Members of the Board left the meeting room and adjourned to the small conference area within the State Board's Offices in Suite 230.

The Board returned to the regular meeting at 1:10 p.m. and requested that Mrs. Springer provide a short background statement. Mrs. Springer reported that on July 11, 2007 she received a call from Daisy Mountain Fire District informing her of a 911 call received by them on July 3, 2007 from a clinic owned by Dr. Peter Norman, M.D. Daisy Mountain Fire District indicated that they had responded to the call and upon arrival found L.R., a fifty-three year old female in cardiac arrest after undergoing bi-lateral thigh liposuction earlier that day.

The Board invited Dr. Page to make a statement regarding the matter. Dr. Page explained that after he had completed the liposuction procedure at 17:50 hours, the patient, L.R. appeared to be in good health and that he departed the clinic at

19:10 hours and left Dr. Norman to care for her until her ride arrived to take her home. Dr. Page responded to questions from the Board members about the length of the surgery, the liposuction procedure with a detailed explanation of tumescent anesthesia, the medications utilized in preparation for the surgery, and the post-operative procedures.

Board members had additional questions regarding whether or not Dr. Page noted any complications with the surgery, if he received assistance during the surgery from other clinic personnel, the nature of the business relationship with Dr. Norman, how medications (particularly controlled substances) were inventoried and annotated at the clinic, and the number of other surgical procedures he had performed at the clinic.

Dr. Gordon asked Dr. Page about pre-operative instructions and had him describe the process utilized to determine the amount of tumescent anesthesia used, as well as the method of recording medications used during the surgery and inquired why the surgery lasted almost seven hours.

Mr. Farris inquired if it was customary to leave a post operative patient before their ride was available to pick them up and what condition the patient was in before he departed the clinic.

Dr. Grout requested that Dr. Page describe his procedure for mixing the tumescent anesthesia and inquired about L.R.'s vital signs during recovery. Additional questions were directed to Dr. Page from Dr. Gordon about recognizing conditions associated with cardiac arrest and the signs and symptoms of lidocaine overdose. Board members completed their interview at 2:10 p.m.

Dr. Grout made a motion that based on the information as presented, Dr. Page's homeopathic medical license should be summarily suspended, in that his actions presented a clear danger to the public. Dr. Gordon seconded the motion that passed with a majority vote. There was no further discussion.

Vote: 4-0

Aye: Grout, Gordon, Farris, and Rowe  
Schwengel recused  
Stika absent

Mrs. Springer was directed to prepare an order of summary suspension and notice of complaint and hearing to be held within 60 days of the effective date of the order.

#### **IV. Review, Consideration, and Action On Pending Applications.**

##### ***A. Physicians***

The Board considered the license applications filed by Dr. Richard Melde, Dr. Michael Milton, and Dr. Mark Starr. Dr. Rowe recused himself from consideration of Dr. Melde's application.

The applicants each presented a clinical case review and responded to individual questions from Board members. Dr. Gordon moved to approve Dr. Melde's license application. Mr. Farris seconded the motion that passed with a majority vote.

Vote: 4-0

Aye: Gordon, Farris, Schwengel, Grout

Rowe recused

Stika absent

Dr. Grout made a motion approving Dr. Milton's application. Mr. Farris seconded the motion that passed with a majority vote.

Vote: 5-0

Aye: Gordon, Farris, Schwengel, Grout, Rowe

Stika absent

Following additional discussion of Dr. Mark Starr's application regarding a past blood alcohol content citation in Missouri, Dr. Gordon moved to approve the application. Dr. Grout seconded the motion that passed with a majority vote.

Vote: 4-0

Aye: Gordon, Grout, Schwengel, Rowe

Nay: Farris

Stika absent

***B. Homeopathic Medical Assistant New Applications***

Dr. Rowe recused himself from this discussion.

The application of Julia Eastman was reviewed and Dr. Gordon moved to approve the application as presented. Dr. Grout seconded the motion that passed with a majority vote.

Vote: 4-0

Aye: Gordon, Schwengel, Farris, Grout

Rowe recused

Stika absent

Board members considered Mary Ann Stalker's pending application. Ms. Stalker had sent correspondence requesting that her application be tabled for one year. AAG Wood suggested that the Board not table the application in as much as it was clear that the issue regarding the type of IPT protocol contemplated in Ms. Stalker's job description presented in the application was not an allowable procedure under her existing naturopathic medical license. Dr. Rowe requested that the Board reopen the discussion on this application and noted that in May, the Board had approved the application pending additional information from the naturopathic medical board. Dr. Gordon made a motion withdrawing the original

motion and voted to deny the application. Dr. Grout seconded the motion that passed unanimously.

Dr. Gordon clarified that Ms. Stalker would have the option of stipulating to a withdrawal of her application if the request was made within 60 days of the board meeting vote.

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

***C. Status Report – Incomplete Physician and HMA Applications***

The discussion on this agenda item was tabled to the next meeting.

**V. Review, Consideration, and Action on Compliance Reports**

Jeffrey J. Rutgard MD(H)

The discussion on this agenda item was tabled to the next meeting.

**VI. Review, Consideration, and Action Regarding Investigations/Complaints**

***Formal Hearing***

***07-01 Thomas Grade MD(H)***

At 3:00 p.m. a formal hearing was held regarding the license of Dr. Thomas Grade. A court reporter was present to transcribe the hearing as were all of the Board members except Mrs. Stika. AAG Wood was present to advocate the state's case and AAG Christopher Munds was present from the Office of the Solicitor General to respond to questions from Board members during their deliberations. Dr. Grade was not present.

Dr. Rowe inquired regarding whether or not the case could proceed in Dr. Grade's absence. AAG Munds explained that Dr. Grade's absence did not have any bearing on the facts of the case. Dr. Rowe requested clarification of the difference between license suspension and revocation. AAG Munds explained that a suspension of a license is temporary and a revocation is permanent.

The hearing in the matter was conducted. Following the presentation of evidence the Board deliberated. Dr. Grout made a motion to accept all of the factual allegations in the notice of complaint and hearing. Mr. Farris seconded the motion that passed unanimously.

Dr. Rowe moved to accept the conclusions of law in the notice of complaint and hearing. Dr. Grout seconded the motion that passed unanimously.

Dr. Rowe made a motion to revoke the license of Dr. Grade for unprofessional conduct pursuant to A.R.S. 32-2933(35), 'knowingly making a false or misleading statement on a form required by the Board or in written correspondence with the board.' Mr. Farris seconded the motion that passed unanimously.

Vote: 5-0

Aye: Gordon, Rowe, Grout, Schwengel, Farris

Absent: Stika

*Ongoing Reviews*

**05-21 Charles Crosby MD(H)**

As the Board began considering this matter, Mrs. Springer explained that Dr. Crosby's attorney was out of town and had requested that discussion of the matter be deferred to the next regular meeting. Noting the request, Dr. Rowe stated that the matter had been pending for many months and should move forward. AAG Wood explained that she was negotiating a consent agreement and order with Dr. Crosby's attorney and that certain changes to the findings of fact and conclusions of law were being requested.

The Board briefly went over the requested changes regarding ARS 32-2933(17) and (19). Dr. Schwengel made a motion to move forward with the consent agreement and order as proposed with no changes. Motion seconded by Dr. Gordon and passed unanimously. The Board directed Mrs. Springer to inform Dr. Crosby and his attorney that the Board would not amend the consent agreement and order and that the order should be signed within 45 days or the Board would schedule the matter for formal hearing.

*Status Reports – Open Complaint Reviews*

The agenda item was tabled to the next regular meeting.

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

Discussion of the items in Sections *A. Rules* and *B. Legislation* were tabled to the next regular meeting.

**VIII. Performance Audit Review/Update**

1. Preliminary Audit Report Response

At 4:17 pm. Mr. Farris motioned for the Board to adjourn to executive session to discussion confidential records pursuant to A.R.S. 32-41.03(A)(2). Dr. Grout seconded the motion that passed unanimously.

The Board returned to the regular session at 5:35 p.m.

2. Action Plan Timetable Relative to Preliminary Audit Recommendations

A very brief discussion was held regarding the progress of the written examination revision and the need to amend rules relating to labeling and dispensing of drugs. Board members agreed that the plan should be implemented immediately.

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

1. and 2. The policy discussion on the conduct of oral examinations, the status of the revision of the written examination and informed consent under headings

numbered 1. and 2. in this agenda topic were discussed in conjunction with the Action Plan Timetable Relative to the Audit Recommendations listed in agenda topic VIII(2).

3. The discussion of the American Medical College of Homeopathy was deferred to the next regular meeting.

4. Review of the protocols submitted by Dr. Jeff Bradstreet were deferred to the next regular meeting.

**X. Review, Consideration and Action On Other Business**

The presentation of the executive director's report was deferred to the next regular meeting.

**XI. Future Agenda Items**

No discussion held on this agenda item.

**XII. CALL TO THE PUBLIC**

No members of the public were present.

**XIII. FUTURE MEETING DATES**

An executive session of the Legislative Committee meeting was scheduled for 5:00 a.m. on Thursday, July 19, 2007. The committee will prepare a draft final response to the performance audit.

A special meeting of the Board was scheduled for August 13, 2007 to begin at 9:00 a.m. The Legislative Committee will present its final response to the Performance Audit for consideration by the full Board.

**XIV. CLOSE OF BUSINESS/ADJOURNMENT**

The meeting adjourned at 6:05 p.m. following a motion by Dr. Rowe. Dr. Grout 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 September 11, 2007.

Respectfully Submitted,

Christine Springer  
Executive Director