

Arizona State Board of Homeopathic and Integrated Medicine Examiners

Regular Meeting Minutes of September 9, 2014

I. Call to Order, Roll Call

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

Present:

Bruce Shelton, MD, MD(H)

Alan Kennedy

Dr. Les Adler, MD, MD(H) (arrived 9:05 am.)

LaJuana Gillette

Mary Grace Warner, MD, MD(H)

Charles Schwengel, DO, DO(H)

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

II. Board Member Appointments/Introductions

Dr. Shelton recognized and thanked Dr. Todd Rowe, past board president, for his 9 years of dedicated public service. A plaque was presented to Dr. Rowe showing that he had served as the board president from 2007 until 2014 and had been a board member since 2005.

At Dr. Shelton's request, Dr. Charles Schwengel introduced himself and stated that he was pleased to be appointed to the board replacing Dr. Rowe. He indicated he had previously served on the board and was looking forward to working with his fellow board members again.

III. Review, Consideration, and Action on Minutes

Board members considered the regular meeting minutes of July 8, 2014 with Mr. Kennedy making the motion to approve them as written. Dr. Warner seconded the motion that passed with a majority vote. Dr. Schwengel abstained from voting.

Mr. Kennedy made a motion approving the executive session minutes of July 8, 2014. Dr. Warner seconded the motion that passed with a majority vote. Dr. Schwengel abstained from voting.

IV. Annual Meeting

Election of Officers

Mr. Kennedy made a motion to appoint Dr. Shelton as President. Mrs. Gillette seconded the motion that passed unanimously. Dr. Shelton stated he would be pleased to accept the office.

Dr. Shelton made a motion appoint Dr. Warner as Vice President. There was no second to the motion and Dr. Warner indicated she could not accept the appointment.

Dr. Warner made a motion appointing Dr. Schwengel to serve as Vice President. Dr. Adler seconded the motion that passed unanimously.

Dr. Shelton moved to appoint Mr. Kennedy to serve as the Secretary Treasurer. Dr. Warner seconded the motion that passed unanimously. Mr. Kennedy indicated he was pleased to accept the appointment.

2014-2015 Meeting Schedule and Fees

Board members briefly discussed the current fees and agreed that there would be no change for the next year. A new meeting schedule was approved with agreement that the meetings shall be held on the second Tuesday of every other month, unless the date falls on a holiday. The schedule will be posted online for the public.

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

Legislation

1. The board reviewed correspondence from Dr. Todd Rowe concerning a proposed statutory change to the language in A.R.S. §32-2901(4)(b). At the Board's invitation, Dr. Rowe addressed the issue. He noted that a simple wording change to the statute would give the Board authority to accept a school or college granting a degree of doctor of homeopathy if it is approved or accredited by either the Accreditation Commission for Homeopathic Education in North America (ACHENA) or a board approved similar body that accredits this course of study. As an example, were the Board to approve the Central Council of Homeopathy, which oversees homeopathy medical schools in India, then the Board could compare and contrast their standards to those of ACHENA to determine if they were similar. The Board also discussed requiring passage of a nationally recognized English language examination such as the Toeffle.

Mr. Kennedy inquired whether there is a demand for foreign educated doctors that practice homeopathy. Dr. Rowe responded that the American Medical College of Homeopathy fields many inquiries from foreign educated homeopathic doctors that are seeking a legal pathway to be able to practice homeopathy in the United States.

Dr. Shelton commented that the Board should dialogue with the Homeopathic and Integrated Medical Association to ensure that they would be supportive of the Board's direction with regard to foreign educated homeopathic doctors.

Mr. Kennedy made a motion to form an exploratory committee that would consider criteria for the licensing of foreign educated homeopathic doctors. Dr. Warner seconded the motion. In its discussion of the motion, Mrs. Gillette stated that the board should accumulate as much information as possible about the potential impacts of the legislation in preparation for many questions from lawmakers. The motion passed unanimously.

Dr. Shelton, Dr. Rowe, Dr. Warner and Mario Fontes were appointed to the Advisory Committee on Education for Foreign Educated Physicians.

2. The Board considered proposed legislation for the 2015 Session. Mrs. Springer gave an overview of proposed changes to A.R.S. §§ 32-2934(C), 2952 (new section concerning mental health evaluations, 2953 (new section concerning anonymous complaints, 2934(J) regarding formal hearings, and changes to 2901 concerning the definition of an 'approved

school of medicine' as it relates to homeopathic doctors. The Board agreed that they would not seek legislation to adjust fee caps in this session. Board members discussed the proposals and determined to move forward with all of the other recommendations. Mrs. Gillette made a motion to authorize the executive director to seek a sponsor for the proposed legislation as discussed. Dr. Warner seconded the motion that passed unanimously.

Rules

Mrs. Springer presented an overview of the draft rules for the homeopathic doctor licensing contained within *A.A.C. Chapter 38, Articles 1 through 4*. She informed the Board of comments and suggestions made by the board's rules analyst regarding the basic science component requirement and criteria for foreign educated applicants. Board members agreed that the Rules Committee comprised of Dr. Shelton, Dr. Todd Rowe, and Mario Fontes should meet to consider the suggestions.

VI. Review, Consideration, and Action on New Applications

Medical Assistants

Sam Tagliarini

Dr. Schwengel recused himself from consideration of this application.

The Board heard a presentation from Mrs. Springer concerning the applicants' qualifications.

Mrs. Gillette made a motion to approve the application. Dr. Warner seconded the motion that passed with a majority vote.

5 – 0 Aye, 1 recusal.

Physicians

Jonathan Murphy, M.D.

Mrs. Springer provided the board an overview of Dr. Murphy's application with specific attention to the post graduate hours he submitted with his application. She indicated the application was complete and that he had submitted 365 hours of postgraduate coursework related to homeopathic practice modalities. She requested the Board review 160 hours related to environmental testing and protocol to determine if they would be credited as part of the post graduate requirement. The Board reviewed the coursework and noted that the education was related to environmental exposure and adverse effects on human health. Dr. Warner moved to accept the post graduate hours as discussed. Dr. Adler seconded the motion that passed unanimously.

The Board reviewed and inquired about the details related to a letter of reprimand issued by the Arizona Medical board on August 8, 2014. Dr. Murphy explained the treatment he provided in the care of the patient and commented that the insurance company for the patient had filed the complaint, but that the patient and his family had not been displeased with the care provided. A.A.G. Baskin commented that the board must determine if the applicant is qualified according to the requirements cited pursuant to A.R.S. § 32-2912(A).

Mrs. Gillette made a motion to approve the application noting that the license would become effective upon payment of the license fee. Mr. Kennedy seconded the motion that passed unanimously.

VII. Review, Consideration and Action on Complaints and Investigations

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

Inquiry 2014-02 Geoffrey Radoff, MD, MD(H)

Dr. Shelton disclosed that although he is a longtime professional friend of Dr. Radoff, he did not believe he would need to recuse and that he has no bias in considering the facts.

At the Board's request Mrs. Springer summarized the complaint noting that Dr. Radoff was also licensed by the Arizona Medical Board. She explained that the patient had sought standard allopathic care and that no alternative modalities were used. She noted that the Arizona Medical Board had opened an investigation and that they were assuming jurisdiction pursuant to their statute, A.R.S. § 32-1407. The board affirmed that the matter most appropriately should be reviewed by the Arizona Medical Board since no alternative modalities were used to care for the patient.

MOTION: Dr. Schwengel made a motion to table the matter and concurred that inquiry should be conducted by the Arizona Medical Board.

SECOND: Dr. Warner

MOTION PASSED unanimously 6 - 0

B. Ongoing Cases – Review, Consideration and Action

Case No. 13-04 Martha Grout, MD, MD(H) (M.M.)

At 10:25 a.m. the board adjourned to Executive Session following a motion by Dr. Shelton for legal advice. Mr. Kennedy seconded the motion that passed unanimously.

The board returned to the regular session at 10:32 a.m.

Mr. Kennedy called for clarification from the executive director concerning additional documents needed to complete the investigation. Mrs. Springer responded that the report of the Scottsdale Police Department and the patient's medical records in Maine were still outstanding. Dr. Schwengel and Mr. Kennedy expressed concern about the potential for toxic interactions between Amygdalin, PolyMVA and Vitamin C and directed the executive director to conduct further research on this topic. The Board directed her to conduct additional research into the potential for interactions between substances used in the care of the patient.

Mr. Kennedy made a motion to table the matter to the next regular meeting and to have Mrs. Springer obtain protocols and contact physicians that may be familiar with scientific literature related to the use of Amygdalin, PolyMVA, and Vitamin C together. Dr. Warner seconded the motion that passed unanimously.

VIII. Review, Consideration, and Action on Previous Board Orders

Charles Crosby, MD(H) Quarterly Report

The Board reviewed a quarterly report submitted on Dr. Crosby's behalf by his therapist in accordance with the terms of his Consent Agreement and Order. They noted that the report was received timely and that there was no substantive change from the last report. No further action was taken.

IX. Review, Consideration, and Action on Professional Business

1. Mrs. Springer reviewed various cost options related to 12 hours of board member training required by a law passed in the 2014 legislative session. She indicated that the cost could range from \$250 per board member (for 8 hours of training) plus travel for 2 board members,

meals for 6 members, and per diem for 6 members. In addition, a second day of training would be needed to make up the additional 4 hours. The conservative estimate is \$3000 for six board members. She explained that the Arizona Government University was looking into creating a curriculum that may be available online. Board members stated the online component would be most effective in view of patient scheduling as well as the potential to cover the costs and time associated with long distance travel schedules.

2. and 3. Board members reviewed A.R.S. § 32-2913 and A.A.C. *R4-38-107* that provides guidance on the required written examination for prospective homeopathic physicians. They discussed reconfiguration of the written examination regarding the number of questions in each therapeutic modality. Dr. Adler and Mrs. Gillette expressed their support for a larger percentage of examination questions related to integrated medicine modalities such as orthomolecular medicine and Chelation therapy. Dr. Warner indicated that she would be more favorable to retaining a strong classical homeopathic approach with a greater percentage of questions in this modality.

Dr. Adler expressed his concern that many prospective physicians were unwilling to commit to the homeopathic therapeutic modality and it was his opinion the board could obtain more interested physicians by reconfiguring the examination to reduce the number of homeopathic questions from 60% to a lower percentage. He indicated that he was aware of no specific bare regarding reconfiguring the written examination to encompass more questions related to the integrated modalities of practice.

The board formed an examination committee made up of Dr. Adler, Mario Fontes, and Dr. Warner to discuss and consider the question of changing the percentages of questions in each therapeutic modality.

4. Dr. Adler indicated he had reviewed the Informed Consent for Na₂EDTA and CAEDTA Chelation Therapy submitted by Dr. Michael Milton, License No. 0173 and found the consent to be in proper form. Dr. Shelton made a motion to accept the informed consent as meeting the intent of A.A.C. *R4-38-113*. Dr. Adler seconded the motion that passed unanimously.

X. Review, Consideration and Action on Other Business

1. Financial Report – End of Fiscal Year 2014

Mrs. Springer presented information regarding the 13th month financial report. She indicated that as of June 30, 2014, revenues were \$85,856 and expenditures were \$81,057 which represented 6% less expenditures than at the end of FY2013. The legislative appropriation for FY2015 remains at 102,100. The current ending cash balance on July 2, 2014 is \$18,686. As a point of reference, she explained that the beginning cash balance on July 1, 2013 had been \$14,056.

2. With regard to the FY2016 budget, the executive director commented that she had requested the same appropriation for FY2016 as had been granted for FY2015. She explained increases to the ERE noting that she was eligible for family medical insurance, but that this increase may be offset by Medicare eligibility. Mr. Kennedy made a motion approving the budget. Ms. Gillette seconded the motion that passed unanimously.

3. The executive director briefly reviewed the FY2014 AZIPS report for board members.

XI. Call to the Public

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Mr. Mario Fontes addressed the board and commented that Dr. Silver had contacted the American Medical College of Homeopathy for assistance in reviewing for the written examination.

XII. Future Agenda Items

Education Advisory Committee on Foreign Educated Applicants

Examination Committee Report

Discussion and Clarification of the intent of the rule *A.A.C. R4-38-115* – Use of Title and Abbreviation

XIII. Future Meeting Dates

None scheduled at this meeting

XIV. Adjournment

The meeting adjourned at 11:15 a.m. following a motion by Mr. Kennedy. The motion was seconded by Mrs. Gillette and passed with an unanimous vote. 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 **Wednesday**, November 12, 2014.

Respectfully Submitted,



Christine Springer
Executive Director

Reviewed and Approved by the Board at the Regular Meeting of November 12, 2014