

**ARIZONA STATE
BOARD OF HOMEOPATHIC AND INTEGRATED
MEDICINE EXAMINERS**

**Minutes of Rules Committee Meeting
Held by Teleconference at 1400 West Washington, Ste 230,
Phoenix, Arizona
on
Monday, April 26, 2010**

I. Call to Order, Roll Call

Presiding officer, Dr. Todd Rowe, called the teleconference committee meeting to order at 8:05 a.m. and called roll. Those present by telephone were:

Roll Call

Present:

Todd Rowe, MD, MD(H)
Martha Grout, MD, MD(H)

Christine Springer, Executive Director was present at the State Board's Office, in Ste 230 and the following physicians were present by telephone representing the Arizona Homeopathic and Integrated Medical Association: Dr. Bruce Shelton, Dr. Alan Ketover, Dr. Abram Ber, Dr. Garry Gordon, and Dr. Kent Pomeroy.

II. Review and discussion Notice of Proposed Rulemaking regarding Article 1 in Title 4, Professions and Occupations, chapter 29. Homeopathic Physicians, Article 1 and particularly Section R4-38-106 regarding proposed minimum standards for proficiency

Dr. Rowe began the discussion by thanking Dr. Shelton for his written comments about the proposed rule and stated he believes it is important for the Board and the Association to work together regarding the proposed rules. He noted it is important for the Board and to obtain input on rulemaking as early as possible and indicated he was looking for a better way to inform professional members of upcoming rules proposals.

He went on to explain that the proposed rule, particularly R4-38-106 regarding minimum competency standards had been a way for the Board to respond to the recent report of the auditor general, particularly finding number 3 that had noted a concern with all physicians being trained in the modalities recognized by statute. He reminded committee members and those present by telephone that the board had disagreed with the auditor general recommendation and had indicated in their formal written response that the Board would implement in a different manner.

It was his opinion that the language of the rule, particularly the adjective '*proficiency*' was a bad choice of terminology for the rulemaking and that usage of the term '*certification*' would have been more appropriate. However, in view of the Board's existing statutory authorities, '*certification*' is not defined. He explained that the Board's intentions in creating recognition of proficiency in a given modality did not affect initial licensure of physicians, but was intended to be a choice a physician, once licensed, could make in obtaining the additional training that would lead to a recognition of proficiency. Dr. Rowe noted the Board considered other terms such as a 'standard of excellence'.

He went on to state that the Rules Committee would recommend to the full Board that standards proposed for neurotherapy within the neuromuscular integration modality be withdrawn as well, noting that the Board had not codified standards for other modalities commonly used within the homeopathic community and to do so now with neurotherapy would be inconsistent *unless other common therapies* were also included in the rules.

Dr. Rowe commented that he disagreed with the solution offered by the Association in their written comments on proposed Section R4-38-106 noting that, in his opinion, the solution would actually lead in the direction of limiting practice modalities further and that their proposal might require a statutory change to the Board's laws in order to implement it.

Dr. Rowe noted it would be the committee's suggestion to the full Board that the existing notice of proposed rulemaking for Article 1 be withdrawn and a new rules docket opened leaving out proposed Section R4-38-106 and neurotherapy standards.

Dr. Grout indicated she agreed with the suggestion and would support the recommendation.

Dr. Shelton stated he thought the proposed Section R4-38-106 would have been impossible for most of the existing licensed homeopathic physicians to meet. He commented that the original finding in the auditor general's report did not show a complete understanding of the issue. He expressed that he agreed with Dr. Rowe's suggestion to terminate the existing rulemaking and start over.

Dr. Ketover indicated he agreed with the committee's proposed solution.

Dr. Rowe requested additional discussion at the next regular Board meeting about communicating future rules proposals to the homeopathic physician community in a more pro-active manner.

III. Adjournment

The meeting adjourned at 8:35 a.m. following conclusion of the discussion. The next **Regular Meeting** of the Board will convene at the Occupational Licensing Building located at 1400 W. Washington, Phoenix, Arizona. The meeting will be held in Conference Room B-1 and will begin at 9:00 A.M. on **May 11, 2010**.

Respectfully Submitted,

Christine Springer
Executive Director

Approved in Regular Meeting on May 11, 2010