Arizona State Board of Homeopathic and Integrated Medicine Examiners

Minutes of the Teleconference Meeting Held on January 13, 2015

Presiding officer, Dr. Bruce Shelton, called the teleconference meeting to order at 9:08 a.m. and conducted a roll call of members present.

1. Call to Order, Roll Call

Present:
Bruce Shelton, MD, MD(H)
Charles Schwengel, DO, DO(H)
Alan Kennedy
LaJuana Gillette
Dr. Les Adler, MD, MD(H)
Dr. Mary Grace Warner, MD, MD(H)

Mrs. Christine Springer, Executive Director; Mona Baskin, Assistant Attorney General; and Mario Fontes, LAc. were also in attendance.

II. Review, Consideration, and Action on Minutes

The Board reviewed the minutes of the November 12, 2014 Regular Meeting. Dr. Schwengel requested the list of board members in the Roll Call Vote listing be corrected on page three to delete Dr. Rowe's name since he is no longer a board member. He stated that his name should be listed on the Roll Call vote in Case No. 13-04 and 14-03.

Mrs. Springer indicated she would correct the minutes.

MOTION: Mr. Kennedy moved to approve the Regular Session Minutes as revised.
SECOND: Dr. Adler
ROLL CALL VOTE: 6 –Aye, 0 – nay
Shelton, Kennedy, Gillette, Warner, Schwengel, Adler
MOTION PASSED

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

Legislation
In response to a request for an update concerning the status of pending legislation Mrs. Springer stated that a hearing in front of the Senate Health Committee had not yet been scheduled.

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Dr. Shelton commented that Representative Carter had considered sponsoring group legislation relating to fees for a number of health boards but that he did not believe a bill had been introduced.

IV. Review, Consideration, and Action on Complaints and Investigations

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

Inquiry No. 14-03 Martha Grout, MD, MD(H) – Patient M.B.

Mrs. Springer informed board members that she had conveyed the complaint information to the Arizona Medical Board informing them of the Board's intention to conduct the investigation. A return response had not yet been received.

B. Ongoing Investigations – Review, Consideration, and Action

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

The Executive Director provided a status report on this matter. She indicated that the Board had previously tabled the matter and jurisdiction was ceded to the Arizona Medical Board since no homeopathic therapies were utilized. The Arizona Medical Board had subsequently dismissed the complaint.

MOTION: Mr. Kennedy moved to remove the matter from the table.
SECOND: Dr. Warner
ROLL CALL VOTE: 6 –Aye, 0 – nay
Shelton, Kennedy, Gillette, Warner, Schwengel, Adler
MOTION PASSED

There was a brief discussion concerning whether to conduct further investigation.

MOTION: Dr. Adler moved to dismiss the matter.
SECOND: Mrs. Gillette
ROLL CALL VOTE: 6 –Aye, 0 – nay
Shelton, Kennedy, Gillette, Warner, Schwengel, Adler
MOTION PASSED

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

Charles Crosby, MD(H) Quarterly Report
Case No. 05-21

Dr. Shelton briefly commented on the quarterly report filed in conformance with the terms of the consent agreement that Dr. Crosby had entered into with the Board. He indicated that the report should be made a part of the ongoing record.

VI. Review, Consideration, and Action on Professional Business

1. Mrs. Springer updated members regarding options for board member training. She indicated that the Department of Administration had prepared an outline of criteria

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that should be included in the 12 hour training program but that they had no funds available to actually conduct training. She stated she would review the guidelines carefully and attempt to arrange component training as part of a board meeting. Further information would be available at the next board meeting.

2. Dr. Shelton recused himself from consideration of the informed consent he had submitted for EDTA Chelation, Ozone, Ultraviolet Blood Irradiation and Phospholipid Exchange. Dr. Schwengel chaired this portion of the meeting.

At the Board's request, Dr. Shelton explained that he had previously submitted a consent for EDTA Chelation that had been approved by the board. In the new form he was adding additional therapeutic modalities including Ozone, Ultraviolet Blood Irradiation and Phospholipid Exchange.

Dr. Warner expressed concern that the Phospholip Exchange protocol did not explain the process to the patient and that if she were a patient she would want to know that the process involved removal of the patient's blood, mixing another substance with the blood and re-introducing the mixture into the patient's body. Mrs. Gillette commented that the language of the consent implies that the substance is infused into the patient.

Mr. Kennedy suggested tabling consideration of Dr. Shelton's forms and considering Dr. Silver's forms since they appeared to be similar.

Dr. Adler commented that the therapies are all lumped into one consent form. He stated he would want to see the therapies separated into separate consents. At this point Dr. Shelton requested to speak to the Board. He indicated that the therapies are on one form because all of the processes are done together. Dr. Adler thanked him for the clarification and stated he was comfortable with the form since all of the procedures are provided together.

MOTION: Mr. Kennedy made a motion to table consideration of the consent form
SECOND: Dr Warner
ROLL CALL VOTE: 5 – 0 Aye, 0 – Nay, Shelton Recused
Kennedy, Gillette, Warner, Schwengel, Adler
MOTION PASSED

3. Dr. Shelton updated Board members about the pending closure of the American Medical College of Homeopathy (AMCH). He indicated the college would cease operations on February 6, 2015 and that negotiations were ongoing between Dr. Todd Rowe, President of AMCH and Catherine Niemic, the President and owner of PHIMA (Phoenix Institute of Herbal Medicine and Acupuncture).

Mrs. Springer inquired about the AMCH 40-hour Distance Learning Program that had recently be board approved for another year as an approved course of homeopathic study. Board members generally agreed that it was too early to remove the program from the Board's list of approved courses and that as the fate of the college and its programs become more clear over the next month the board would have to revisit the approval if the course is bought by another entity. The Board requested that the matter be placed on the next Regular Meeting agenda.

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4. Dr. Shelton recused himself from the discussion of Dr. Dean Silver's consent form entitled Informed Consent to Receive Intravenous High Dose Vitamin C, Myer's Cocktail and Glutathione, Phosphatidylcholine, Homeopathic Oxygen and Other Intravenous Treatments. Dr. Schwengel chaired this part of the meeting. Beginning the discussion, Dr. Schwengel commented that the language and form of the consents appeared satisfactory.

Mr. Kennedy and Dr. Warner both commented that they did not see language in Dr. Silver's forms that related to our concern for Dr. Shelton's consent language about Phospholipid Exchange. Dr. Adler added that Dr. Silver's consent form contained descriptions of the procedure to administer Myers Cocktail and High Dose Vitamin C.

Dr. Warner agreed and stated that there should be a more descriptive format to describe each therapy so that patients have a thorough understanding of the procedure, its benefits, and potential side effects.

MOTION: Dr. Adler made a motion to accept Dr. Silver's informed consent noting that the language of the consent only describes High Dose Vitamin C and Myers Cocktail. The other therapies that had been included in the title will require separate informed consents.
SECOND: Dr. Warner

Board members discussed the need for a policy that describes what should be included in an informed consent. There was some disagreement about whether this was appropriate for the Board to set policy. AAG Baskin pointed out that given the Boards' current administrative rules and statutes it would be inappropriate for the Board to set forth standards. She suggested the Board may want to consider a future discussion regarding a change in statute or rule.

Mrs. Gillette and Dr. Schwengel both agreed that it is the physician's duty to fully explain a therapy to their patient and that the discussion should include an opportunity for the patient to ask questions if they do not understand the benefit or procedure to be used.

AAG Baskin commented that it is a 'standard of care' issue and that language should be included in the informed consent noting that the patient has been fully informed of the benefits and potential dangers of the procedure.

Mrs. Gillette called the question.
ROLL CALL VOTE to approve Dr. Silver's informed consent language for High Dose Vitamin C and Myers Cocktail.
2 – Aye (Warner, Adler), 3 – Nay (Kennedy, Gillette, Schwengel), Dr. Shelton recused
The Motion failed

In the continuing discussion Mrs. Gillette suggested that the Board table consideration of the matter and request that Dr. Silver flesh out the consent to include all of the therapies noted in the consent title and to include a paragraph stating the patient has been informed of the benefits and potential dangers of the procedures.

MOTION: Dr. Schwengel made a motion to pend consideration of the informed consent so that Dr. Silver may make changes as noted in the Board's discussion.
SECOND: Gillette
ROLL CALL VOTE: 5 – 0 Aye, Shelton recused

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Kennedy, Gillette, Warner, Schwengel, Adler
The motion passed.

Mrs. Springer will inform Dr. Silver of the Board's discussion so that he may make suggested changes and bring the form back to the Board for re-consideration.

2. At this point in the meeting the Board reconsidered Dr. Shelton's informed consent for EDTA Chelation, Ozone, Ultraviolet Blood Irradiation and Phospholipid Exchange. Dr. Shelton recused himself and Dr. Schwengel chaired this part of the meeting.

MOTION: Mr. Kennedy made a motion approving the form. He noted that the consent form was intended to indicate that the patient would receive all of the therapies at one time.
SECOND: Mrs Gillette
ROLL CALL VOTE: 4 – Aye (Gillette, Warner, Schwengel, Kennedy), 1 – Nay (Adler)
Shelton Recused
Motion Passed

4. Dr. Adler called the Board's attention to the fact that their earlier review of Dr. Silver's consent forms had neglected his Informed Consent for Insulin Potentiation Therapy.
MOTION: Mrs. Gillette made a motion approving the form of the informed consent
SECOND: Dr. Adler
ROLL CALL VOTE: 6 – 0 Aye
Gillette, Kennedy, Schwengel, Adler, Warner and Shelton

VII. Review, Consideration and Action On Other Business

The executive director presented the financial report of board expenditures as of December 31, 2014. She stated that total expenditures were $47,614 and noted that at the same time last year expenditures were $32,068. Mrs. Springer explained that the difference was primarily due to her health insurance costs. The cash balance is $8,340 and total revenues are $37,444.

Dr. Shelton inquired about the total number of licensees. Mrs. Springer indicated that a number of deaths and license expirations had reduced the number to the 70's, but that she was unsure of the actual total. She stated she would follow up with the actual number following the meeting.

VIII. Call to the Public

No members of the public wished to speak.

IX. Future Agenda Items

Dr. Silver Informed Consent for Intravenous High Dose Vitamin C, Myer's Cocktail and Glutathione, Phosphatidylcholine, Homeopathic Oxygen and Other Intravenous Treatment

Status of American Medical College of Homeopathy closure

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Maricopa County medical examiner concern

X. Future Meeting Dates

The next board meeting is to be held Tuesday, March 10, 2015 at the State Board's Office located at 1400 West Washington, Ste B-1, Phoenix, Arizona.

XI. Adjournment

The telephonic meeting adjourned at 10:34 a.m. following a motion from Mrs. Gillette that was seconded by Dr. Adler. Motion passed unanimously.

Respectfully Submitted,

Christine Springer
Executive Director

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