

Arizona State Board of Homeopathic and Integrated Medicine Examiners

TELECONFERENCE MEETING

February 26, 2009

Minutes

I. Call to Order and Roll Call

Presiding officer, Dr. Todd Rowe, called the teleconference meeting to order at 8:15 a.m.

The following Board members were present by telephone:

Todd Rowe, MD, MD(H)
Don Farris
David Rupley, MD(H)
Marie Stika
Les Adler, MD, MD(H)

Christine Springer, Executive Director, was present at the meeting location within the State Board's Office located at 1400 West Washington, Room 230, Phoenix, Arizona. Also present were Seth Hargraves, Assistant Attorney General and Lisa Wynn, Executive Director of the Arizona Medical Board.

II. Review, Consideration and Action on Complaints and Investigations

Case No. 09-09 Linda Wright, MD, MD(H)
Dr. Rowe requested that Mrs. Springer provide an overview of the pending matter. Mrs. Springer stated that information regarding the status of Dr. Wright's health had been received from the Arizona Medical Board. Dr. Wright's attorney, Stephen Meyers had sent correspondence to the Homeopathic and Integrated Medicine Board requesting the Board take jurisdiction in the case pursuant to A.R.S. §32-2907 and conduct the investigation.

Dr. Rowe, acknowledged Lisa Wynn, Executive Director of the Arizona Medical Board and invited her to address the Board regarding the physician health program. Ms. Wynn stated that physicians are eligible to participate if there is no evidence of harm to the public health and safety. Typically, a physician enters into a consent agreement and provides reports per the terms of the consent agreement. If a physician deviates from the consent agreement other action may

be taken by the Board following a committee review process and a Board hearing. Participation within the program is non disciplinary.

Dr. Rowe thanked Ms. Wynn for the information and questioned Assistant Attorney General Hargraves about the confidentiality of medical records under the Homeopathic and Integrated Medicine statutes. Mr. Hargraves stated patient medical records are confidential, but that A.R.S. §32-2941 does not provide for consent agreements or discussions related to entering into an agreement to remain confidential.

Drs. Rowe and Rupley both commented that both the healthful rehabilitation of the physician and the public health and safety were first priorities and that the monitoring aspects within the physician's health program at the Arizona Medical Board was thorough and provided confidentiality for physicians as well as parameters designed to protect the public.

Dr. Rupley expressed concern regarding the level of stress Dr. Wright has experienced over her health issues. Dr. Adler indicated that the Homeopathic/Integrated Medicine Board statutes are not as comprehensive regarding either confidentiality nor a process that could readily respond to the rehabilitation health needs of physicians. Ms. Stika and Mr. Farris expressed concerns that Dr. Wright would not have access to homeopathic care of her choice within the Arizona Medical Board program. Dr. Rowe pointed out that there are several licensed homeopathic physicians that also hold an allopathic license that would be available to provide homeopathic care.

Mr. Hargraves redirected the Board's focus to the jurisdictional issue noting that A.R.S. §32-2907 is directed at the type of medical care provided to patients and whether there was a violation of professional conduct statutes in A.R.S. §32-2933. He noted that the referral from the Arizona Medical Board concerning Dr. Wright's health issues do not involve patient care, but rather the health and rehabilitation of a physician.

Dr. Rowe commented that considering the comprehensive aspects of the monitoring that is available through the Arizona Medical Board's physician health program his recommendation would be to cede jurisdiction to that Board. Dr. Adler made a motion to cede jurisdiction and Dr. Rupley seconded the motion.

Additional discussion centered on whether or not the Homeopathic/Integrated Medicine Board would receive quarterly updates and if Board members were fully apprised of the care that would be available in the physician health program. Dr. Rupley questioned Mr. Hargraves about what processes would be necessary for the Homeopathic/Integrated Medicine Board to assume jurisdiction. Mr. Hargraves commented that the Board would have to form a committee, a qualified consultant would evaluate the physician to access the medical and rehabilitative aspects necessary for health improvement, a consent agreement

would be prepared and quarterly monitoring would be imposed. Mr. Hargraves reiterated that the consent agreement would be public and reportable to the National Practitioner's Data Bank.

Dr. Rowe called the question to cede jurisdiction to the Arizona Medical Board.

Dr. Rupley and Mr. Farris indicated they had additional questions relative to the Arizona Medical Board assessment mechanism. Dr. Rupley requested additional information from Ms. Wynn regarding the committee process and how the Arizona Medical Board determines the type of care a physician may require and whether the physician can practice safely. Ms. Wynn responded to his questions and also indicated that the committee process would consider a physician's preference for an alternative homeopathic approach. She reiterated that the focus of the Arizona Medical Board program is designed to provide public protection and access whether the physician is safe to practice.

Dr. Rowe again requested a vote regarding the pending motion to cede jurisdiction to the Arizona Medical Board.

Roll Call: 5 – 0 Aye

Adler, Rupley, Stika, Farris, Rowe

There being no further business and no comments during a call to the public, the meeting adjourned at 9:20 a.m. following a motion by Dr. Rupley, seconded by Mr. Farris. Motion passed unanimously.

Respectfully Submitted,

Christine Springer
Executive Director

Approved in Regular Meeting 3-10-09