

# Arizona State Board of Homeopathic and Integrated Medicine Examiners

## Regular Meeting Minutes

September 8, 2015

### 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:

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Bruce Shelton MD, MD(H)  
Charles Schwengel DO, DO(H)  
Alan Kennedy  
Dr. Les Adler, MD, MD(H) (present by telephone)  
LaJuana Gillette  
Mary Grace Warner-Dunlop, MD, MD(H)

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

### II. Review, Consideration, and Action on Minutes

Board members considered the minutes of the May 12, 2015 *Regular Meeting*. Dr. Warner offered a motion approving the minutes and Mrs. Gillette seconded the motion. The motion passed unanimously 6 - 0.

The *Executive Session* and *Regular Session* minutes of the Examination Committee held June 17, 2015 were reviewed and approved by the committee members, Dr. Adler and Dr. Warner who were present at the meeting.

### III. Status of Board Member Appointments and Annual Meeting

1. Mrs. Gillette made a motion to retain the current slate of board members as officers. These include Dr. Shelton as President, Dr. Schwengel as Vice-President, and Mr. Kennedy as Secretary-Treasurer. Dr. Shelton seconded the motion that passed unanimously.
2. Board members discussed the 2015-2016 meeting schedule and approved the dates as presented. A copy of the schedule is on the board's website.
3. The board agreed that there would be no changes to the current fee schedule.

### IV. Review, Consideration, and Action on New Applications *Physicians*

There were no new physician applications.

#### *Medical Assistants*

Dr. Shelton requested that the executive director present the background of the homeopathic medical assistant application filed by **Beata George**. Mrs. Springer reviewed the application documentation and indicated that Ms. George met the requirements. Ms. Gillette moved to approve the application. Dr. Adler seconded the motion that passed unanimously 6 - 0

Mrs. Springer also presented a review of the homeopathic medical assistant application documentation filed by **Shelley Ann Mata**. Dr. Warner made a motion to approve the application. Mrs. Gillette seconded the motion that passed unanimously 6 - 0.

**V. Rules, Legislation, Substantive Policy Statements, Legislation**

A brief discussion was held regarding potential legislation. Members agreed that the Board would seek no changes to statute in the upcoming session.

**VI. Review, Consideration and Action on Complaints and Investigations**

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

Inquiry No. 15-06 Thomas Lodi MD(H) - Use of professional designation  
Mrs. Springer presented a background of the complaint filed against Dr. Lodi. She noted that it had been alleged that he was advertising that he was an M.D., rather than an M.D.(H). She stated that he may not use the M.D. designation in Arizona since he is not licensed as a medical doctor (M.D.) by the Arizona Medical Board.

Mrs. Springer also commented that she had, in her report, noted a previous complaint filed against Dr. Lodi. She indicated that this information should not have been made a part of this investigation file. A.A.G. Baskin commented that the board members may only consider the information in the current complaint.

Board members declared that they believed they could be fair and impartial in light of Mrs. Springer's disclosure of a previous complaint matter and that they would consider the facts of the present case. The discussion began with Mrs. Gillette expressing concern that Dr. Lodi did not appear to have control of the types of advertising promoting his clinic and that he was non-compliant with the rules and laws regarding use of the professional designation in Arizona.

Mr. Kennedy commented that he felt Dr. Lodi would be more aware of his advertising if the Board were to require a quarterly report listing each advertisement he had promoted.

Dr. Shelton suggested a non-disciplinary letter of concern in the instant matter and requested that the executive director advise Dr. Lodi of the Board's concerns regarding the use of the M.D. in his advertising.

Dr. Warner made a motion to issue a non-disciplinary letter of concern. Dr. Adler seconded the motion. There was further discussion.

Dr. Schwengel expressed concerns about Dr. Lodi's past use of the M.D. designation in his advertising within Arizona. AAG Baskin reminded board members that they may only consider the information before them. Mrs. Gillette called the question.

Roll Call Vote to issue a non-disciplinary letter of concern

4 Ayes: Shelton, Warner, Gillette, Adler

2 Nays: Kennedy, Schwengel

Motion passed 4 – 2

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Inquiry No. 15-04

Pieter De Wet, MD(H)

Board Members Kennedy and Shelton disclosed that they would recuse themselves from the discussion in this case. Dr. Shelton stated that he knows Dr. De Wet and owns Zyto Corporation stock and Mr. Kennedy stated that he owns stock in Zyto Corporation as well. Dr. Schwengel chaired this portion of the meeting.

Mrs. Springer explained that Dr. De Wet holds a medical license in Texas and that they had issued a Reprimand to him regarding false advertising. She stated that Dr. De Wet had written a response to the board's notice and indicated the complaint was brought to the attention of the Texas Medical Board by Stephen Barrett, a "consumer advocate". Mr. Barrett alleged "false advertising regarding Dr. De Wet's use of CAM modalities, specifically the Zyto, Asyra, and an LED (laser energetic detoxification). Additionally he offered ozone therapy at his clinic. In his written response to the Homeopathic Board, Dr. De Wet informed the board that he had immediately removed the advertising in question from his Texas website in accordance with the directions from the Texas Medical Board.

Mrs. Springer noted Dr. De Wet had complied with all of the agreed to conditions in his order with the Texas board. She indicated that the Arizona Homeopathic Board must conduct a review under A.R.S. §32-2933(18) which governs the professional conduct of licensees.

Dr. Warner commented that the advertising implied a promise and that it could have been more qualified regarding the nature of the expected outcome of the therapy. She suggested a non disciplinary letter of concern relating to a potential violation of A.R.S. § 32-2933(18).

Dr. Adler noted that Dr. De Wet had complied with all of the requirements contained within the Texas Medical Board order. He would have been able to practice all of the therapies within Arizona using his homeopathic physician license. He stated he did not believe Dr. De Wet had violated any Arizona Homeopathic Medical statutes. Mrs. Gillette commented that Texas had expressed a concern that his advertising indicated that the Zyto did something it really could not do and that it was potentially misleading to the public.

Board members discussed their options. Mrs. Gillette made a motion to dismiss the matter noting that Dr. De Wet had complied with all of the Texas Medical Board requirements and that within Arizona he would have been able to utilize the therapies under the homeopathic medical board license. Dr. Adler seconded the motion.

Roll Call Vote to dismiss:

Aye: Gillette, Adler, Schwengel

Nay: Warner

Recused: (not voting – Shelton and Kennedy)

Motion Passed 3 – 1

### ***B. Ongoing Investigations – Review, Consideration and Action***

Case No. 14-03 Martha Grout, MD, MD(H) (M.B.)

Mrs. Springer updated board members regarding the complaint analysis submitted by the outside medical investigator. She informed them that as indicated in his analysis, the complaint was unsubstantiated and should be dismissed. There was a brief discussion with board members indicating their agreement.

Dr. Warner moved to dismiss complaint inquiry 14-03. Mrs. Gillette seconded the motion.

Roll Call vote: 6 – 0 to dismiss

Warner, Adler, Shelton, Kennedy, Gillette, Schwengel – Aye

## **VII Review, Consideration, and Action on Previous Board Orders**

The quarterly report submitted by Dr. Charles Crosby, MD(H) in compliance with the terms of a Consent Agreement and Order was reviewed by board members. Dr. Crosby was found in compliance with the terms of the order.

## **VIII. Review, Consideration, and Action on Professional Business**

1. Dr. Adler reported on the progress made by the examination committee as they considered changes to the written examination. Board members considered and discussed the following committee suggestions: 1) the number of common homeopathic remedies that applicants should be familiar with, 2) the total number of questions to be included on the examination, and 3. the percentage of questions in each therapeutic modality.

a.) With regard to the number of homeopathic remedies, Dr. Adler indicated that the committee was suggesting applicants be familiar with 41 common remedies.

b) With consideration to the number of questions, the committee was recommending at least 115 questions with the structure as follows: 45 questions in classical homeopathy, 5 in ethics, 35 questions in Chelation and orthomolecular medicine, 5 questions relating to acupuncture, 5 questions in neuromuscular integration, and 5 questions related to pharmacology.

Dr. Warner made a motion to accept the recommendations and changes to the written examination as discussed. Mrs. Gillette seconded the motion that passed unanimously.

2. Mrs Springer updated the Board regarding the collection and reporting of information to the State Board of Pharmacy as it relates to the CSPMP (Controlled Substances Prescription Monitoring Program). She indicated she would send information about the program to licensees as they become eligible for renewal. In response to a board member's question, she stated that the CSPMP form would be returned to the Board and forwarded on to the State Pharmacy Board for processing. Dr. Warner indicated she was registered in the CSPMP in New Mexico and questioned whether she would also need to register in Arizona. Mrs. Springer stated she would research the question and respond back to her.

3. Mrs. Springer discussed the 12 hour training requirement for health board members. She indicated that FARB would offer an 8 hour class November 16, 2015 and queried members if any one of them would like to attend. Several board members indicated their interest. Another board member indicated interest in a 5 hour on-line course offered through CLEAR. Mrs. Springer said she would contact them individually with registration information.

Board members inquired if the 4 hour ethics course they all took at the time of appointment would count towards the 12 hour requirement. All were in general agreement that the course would meet part of the requirements.

## **IX. Review, Consideration and Action on Informed Consents/Protocols – (AAC R4-38-111)**

1. Dr. Adler recused himself from this agenda discussion. Board members reviewed informed consents regarding NAD and Ozone Administration submitted by **Dr. Adler**. Dr. Shelton made a motion approving their form. Dr. Warner seconded the motion that passed 5 – 0.

Aye: Shelton, Warner, Gillette, Kennedy, Schwengel  
Recused : Adler

2. The informed consents submitted to the Board by **Dr. Dean Silver, MD, MD(H)** were reviewed as to form. Dr. Shelton moved to accept the consents he had reviewed as listed on the published agenda and attached to these minutes. Dr. Warner, Dr. Schwengel, Dr. Adler, and Dr. Warner acknowledged their agreement that the informed consents they had reviewed (as listed on the published agenda) should be accepted as to form. Dr. Warner seconded the motion that passed unanimously.

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

1. Financial Report

Mrs. Springer presented information regarding the current board financial standing. She indicated that as of September 3, 2015, revenues were \$14,870 and expenditures were \$8,765. The legislative appropriation for FY2015 is \$102,800. The current ending cash balance is \$11,138. There are potentially 7 renewals that will be due by September 30, 2015. Dr. Shelton asked that potential revenue be included on future reports.

2. FY2017 Budget/ Azips

Mrs. Springer reviewed the 2017 budgeting process with board members and went over appropriated funds and actual cash. There was discussion concerning anticipated revenue and concerns related to declining revenue. Board members questioned the need for a budget appropriation and Mrs. Springer explained that all agencies receive an appropriation but that a board may only expend funds if they have actual cash.

**XI. Call to the Public**

Mario Fontes requested to attend one of the Board member training classes

**XII. Future Agenda Items**

CME credit process

**XIII. Future Meeting Dates**

None

**XIV. Adjournment**

The meeting adjourned at 10:40 a.m. following a motion by Dr. Warner. 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 November 10, 2015.**

Respectfully Submitted,

Christine Springer  
Executive Director