

**Arizona State Board of Homeopathic Medical
Examiners
Minutes of Teleconference Meeting
December 6, 2005**

*Corrections discussed at 1-10-06 meeting underlined>

I. CALL TO ORDER AND ROLL CALL

Presiding officer, Charles Schwengel DO, MD(H), called the teleconference meeting to order at 9:00 a.m.

The following board member(s) were present:

Charles Schwengel, DO, MD(H), President
Annemarie Welch, MD, MD(H), Vice President
Don Farris, Secretary -Treasurer
Garry Gordon, MD, DO, MD(H)
Todd Rowe, MD, MD(H)

Elizabeth "Lisa" Miles, Assistant Attorney General, Christine Springer, Executive Director and members of the public were also present.

The following board member(s) were not present:

Kathy Patrick

II. REVIEW/APPROVAL OF MINUTES

The September 13, 2005 Regular meeting minutes were discussed and Dr. Welch requested that language found at the top of page three referring to a lunch break be stricken. With this change, Dr. Gordon made a motion approving the minutes as discussed. Dr. Welch seconded the motion that passed with a unanimous vote.

Dr. Gordon made a motion approving the September 13, 2005 Executive Session minutes. Dr. Welch seconded the motion that passed unanimously.

**III. REVIEW, CONSIDERATION AND ACTION REGARDING
INVESTIGATIONS/COMPLAINTS**

Ongoing Reviews

05-22 J.E. vs. Alan Abromovitz M.D., M.D.(H)

Dr. Rowe noted that the Arizona Medical Board had conducted a preliminary investigation and had agreed to cede primary jurisdiction to the Homeopathic Board. He commented that Dr. Abromovitz had complied with the board's previous request to prepare an informed consent describing and illustrating the procedures that would be performed. However, the doctor had not included a form that would inform the patient of the option of having a chaperone present in the examination room during an examination.

The matter was tabled and staff was directed to request that Dr. Abromovitz prepare a consent addressing this issue.

Investigative Interview

06-03 A.M. vs. Thomas Lodi M.D.(H)

Dr. Lodi joined the meeting at 9:20 a.m. and Dr. Schwengel recused himself from this discussion as Dr. Welch chaired this part of the meeting. Dr. Lodi responded to questions regarding whether or not he holds certification in oncology, and the current status of his medical license in the State of New York. He indicated that he is board eligible in internal medicine but has not yet taken the examination. His medical license in New York is current and in good standing and may be referenced by his last name 'Lodi', rather than 'Vivante-Lodi'. In response to a question regarding whether or not he has a website he explained that he does not maintain a website and that it is possible A.M. had referenced his name at I.P.T.org.

Dr. Gordon made a motion to close and dismiss the complaint noting that there were no violations of the board's statutes and rules. Dr. Rowe seconded the motion. Motion passed with a majority vote 4-0.

Roll call:

Gordon-aye, Welch-aye, Farris-aye, Rowe-aye
Dr. Schwengel - recused

***** *Dr. Welch chaired the discussions relative to Dr. Kathleen Fry and Investigations 05-19 and 06-06. Dr. Schwengel was recused from both discussions.*

Tabled Matters and Initial Reviews

Following a motion by Don Farris the Board adjourned to executive session at 9:50 a.m. for legal advice. Motion seconded by Dr. Rowe and passed with a majority vote 4-0. Members returned to the regular session at 10:00 a.m.

05-19 Anonymous vs. Kathleen Fry, MD, MD(H)

Mr. Farris noted the thorough amount of information provided by the Arizona Medical Board who had primary jurisdiction in the investigation. Based on his review of the information the anonymous complaint was without validity and he moved to dismiss the complaint. Dr. Rowe seconded the motion. The majority voted to dismiss the complaint 4-0.

Farris – aye, Welch-aye, Gordon-aye, Rowe-aye
Dr. Schwengel – recused

Initial Reviews

06-06 M.O. vs. Kathleen Fry, MD, MD(H)

This matter was also discussed in executive session

Dr. Rowe made a motion to table the matter and transfer primary jurisdiction to the Arizona Medical Board noting that the information provided by M.O. indicated standard medical treatment had been rendered to the complainant rather than homeopathic procedures. The motion was seconded by Mr. Farris. During discussion, Dr. Gordon noted that the monthly cost of DHEA purchased by M.O. exceeded typical costs of obtaining the same product at a health food store. The Board concurred by majority vote that the case should be referred back to the Arizona Medical Board for investigation. Following completion of the Arizona Medical Board's review and disposition the Homeopathic Board will revisit the matter.

Majority vote 4-0

Farris – aye, Welch-aye, Gordon-aye, Rowe-aye
Dr. Schwengel - recused

IV. REVIEW, CONSIDERATION, and ACTION ON PROFESSIONAL BUSINESS

1. Mrs. Springer gave a brief overview of the sunset review hearing.
 - a) Mr. Farris stated that he would prefer a NPDB query be run on each new and current applicant and licensee. Dr. Gordon moved to require all new applicants receive a NPDB-HIPDB query. Dr. Rowe seconded the motion that passed unanimously. Mrs. Springer will collect additional information regarding costs associated with querying all licensees that renew their annual license. Mrs. Springer suggested the Board may need to prepare a substantive policy statement to inform new license applicants and licensees renewing their license that a data bank inquiry will be performed as part of the application process.
 - b) The board members discussed the retention of meeting tapes. Mr. Farris moved to retain the tapes indefinitely. Motion died for lack of a second. Dr. Rowe made a motion to retain the tapes for two years. Motion died for lack of a second. Dr. Gordon moved to retain the tapes for five years. Mr. Farris seconded the motion that passed.

2. Dr. Welch made a motion to approve the minor surgery consent forms submitted by Dr. Page. Dr. Rowe seconded the motion that passed unanimously.

IV. REVIEW, CONSIDERATION, AND ACTION REGARDING NEW APPLICATIONS

Dr. Gordon moved to accept the application of Eve Greenburg. Dr. Rowe commented that the applicant was exceptionally qualified and seconded the motion that passed unanimously.

The members discussed the effective date of Ms. Greenburg's application relative to fees due. They also noted a desire to require mandatory attendance at board meetings. Lisa Miles, Assistant Attorney General indicated she would research whether or not medical assistants could be compelled to attend the board meeting in as much as there is no examination requirement for registration. Mr. Farris requested the subject be placed on a future agenda for discussion.

VI. REVIEW, DISCUSS AND ACTION ON OTHER BUSINESS

Mrs. Springer gave a brief report on the status of board finances. There was a discussion of additional ways in which to realize cost savings.

VII. FUTURE AGENDA ITEMS

- Dr. Schwengel indicated he would have an agenda item related to board member duties-
- Status of medical assistant regulations
- Mandatory attendance for homeopathic medical assistants during application review
- Substantive policy statement regarding querying NPDB-HIPDB
- Retention of meeting tapes

VIII. CALL TO THE PUBLIC

Members of the public included a member of the news community and Ms. Hilda Marshall, neither of which had a statement to share.

IX. ESTABLISHMENT OF FUTURE MEETING DATES

January 10, 2006

CLOSE OF BUSINESS/ADJOURNMENT

The meeting adjourned at 10:20 a.m. following a motion by Dr. Gordon. Mr. Farris seconded the motion that passed with a majority vote. The next Regular Meeting of the Board will convene at the State Board's Offices, 1400 W. Washington, Basement Conference Room B-1, Phoenix, Arizona, 9:00 AM, on **January 10, 2006.**

Respectfully Submitted,

Christine Springer