

**Arizona State Board of Homeopathic Medical
Examiners
Minutes of Regular Meeting
May 10, 2005**

I. CALL TO ORDER

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

II. ROLL CALL and ANNOUNCEMENTS

The following board members were present:

Charles Schwengel, DO, MD(H) President

Annemarie Welch, MD, MD(H), Vice-President

Anna Marie Prassa, L.M.T., Secretary-Treasurer

Don Farris

Garry Gordon, MD, DO, MD(H)

Bruce Shelton, MD, MD(H)

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

Announcements were moved to the end of the meeting following Agenda Item VIII.

III. REVIEW/APPROVAL OF MINUTES

Ms. Prassa made a motion adopting the March 8, 2005 Regular Meeting Minutes. Motion seconded by Dr. Shelton and passed unanimously.

IV. REVIEW, DISCUSS, AND POSSIBLE ACTION – LICENSE REVIEWS

A. *Physicians – new applications*

Dr. Isaac Eliaz, M.D. was present and responded to questions from the Board concerning his medical background and alternative therapies he incorporates into his current practice. Following the discussion Dr. Eliaz was directed to present an oral review of clinical case number six. Dr. Gordon complemented Dr. Eliaz on his thorough case presentation and made a motion approving his application for homeopathic license. Dr. Shelton seconded the motion that passed unanimously.

David Parrish, MD was present and addressed the Board. He gave a brief statement of his medical training and explained how he developed an interest in homeopathy. In response to a question from a Board member he explained that his classical homeopathic training had occurred between 1993 and 2000 when he had worked closely with Dr. Connor, D.C.

Dr. Parrish was directed by the Board to present an oral review of clinical case examination number two. Following the presentation, Ms. Prassa inquired if he

had additional plans to further his study of classical homeopathy. Dr. Shelton suggested a formal course of classical homeopathy may be beneficial to enhance Dr. Parrish's knowledge of classical homeopathy and mentioned several courses that have been approved by the board.

Dr. Parrish expressed frustration with a pending matter against his Arizona allopathic medical license. He explained that the case involved his diagnosis and treatment of fibromyalgia. Dr. Shelton noted for the record that a verification of license status form certified by the Arizona Medical Board indicated that no discipline or pending disciplinary actions were present against Dr. Parrish's medical license. At 10:10 a.m. Dr. Schwengel made a motion to adjourn to executive session for legal advice pursuant to A.R.S. §38-431.03(A)(3). The motion was seconded by Ms. Prassa and passed unanimously. The Board returned to the regular meeting at 10:15 a.m.

Mr. Farris requested that Dr. Parrish provide additional details of the pending Arizona Medical Board matter. Dr. Parrish explained that the case had been forwarded to the Arizona Medical Board two years ago by an insurance company claims reviewer and involved a male patient that had been treated for chronic fatigue and fibromyalgia. Dr. Parrish explained that at no time did the patient complain about the course of his treatment and noted his utilization of treatment protocols developed by Dr. Jacob Teitlebaum. In response to a question from Mr. Farris, Dr. Parrish indicated that he had appeared before the Arizona Medical Board and presented his treatment plan for chronic fatigue and fibromyalgia. They had ordered him to complete a two-day course at the University of California PACE Program, which he had not yet done.

Dr. Schwengel stated that the Board would require the following additional information in support of Dr. Parrish's pending application:

- 1) Dr. Parrish must submit a written summary of the case before the Arizona Medical Board; and the executive director shall contact the Arizona Medical Board to obtain documentation concerning the case.
- 2) Dr. Parrish must take and pass the written examination and complete a board approved 40 hour course in classical homeopathy.

Dr. Gordon urged Dr. Parrish to comply with the Arizona Medical Board requirements, noting that if he loses his allopathic medical license the Board of Homeopathic Medical Examiners would be unable to act on his pending application since he would not hold a medical license in good standing as required by A.R.S. §32-2912(A)(3).

Noting that Dr. Parrish in his oral presentation of clinical case number two had not demonstrated that he possessed the necessary education in classical homeopathy, Mr. Farris made a motion to table Dr. Parrish's pending application and require that he pass the written examination and complete a forty-hour course in classical homeopathy. In addition, Dr. Parrish must provide a written

summary in support of his pending application of the case before the Arizona Medical Board Dr. Welch seconded the motion that passed with a majority vote. Dr. Shelton abstained from the vote.

B. Homeopathic Medical Assistants – new applications

Dr. Shelton made motions approving the homeopathic medical assistant applications submitted to the board by Patrick Hesselman and Vanessa Perez. The motions was seconded by Ms. Prassa and passed unanimously.

V. REVIEW, CONSIDERATION AND ACTION REGARDING INVESTIGATIONS/COMPLAINTS

Initial Reviews

05-09 Joya Schoen, MD, MD(H) Self report/Medical Malpractice

Dr. Schwengel stated that Dr. Schoen had submitted information regarding a malpractice settlement with a patient in the State of Florida as part of the disclosure required in the 2005 renewal application. The Board must determine if the treatment she provided violates A.R.S. §32-2901 et.seq. Following discussion, Dr. Shelton pointed out that the treatment Dr. Schoen provided was above the standard of care and no further investigation was necessary. Dr. Shelton made a motion to close the investigation and dismiss the matter. Ms. Prassa seconded the motion that passed unanimously.

Roll call to dismiss: Shelton, Prassa, Schwengel, Gordon, Welch, and Farris

05-10 Edward Kondrot, MD, MD(H) Self report/Medical Malpractice

The Board reviewed the information provided by Dr. Kondrot and noted that the case involved lasik surgery which did not fall within the homeopathic scope of practice. Dr. Shelton made a motion declining to open an investigation. Mr. Farris seconded the motion that passed unanimously.

Roll call to dismiss: Shelton, Farris, Schwengel, Gordon, Welch and Prassa

05-14 Kathleen Fry MD, MD(H) Self Report 2005 Renewal

The Board reviewed information that Dr. Fry had incorrectly answered a question on her 2005 license renewal application regarding disciplinary actions in other state or federal licensing jurisdictions which may indicate a violation of A.R.S. §32-2933(35) or A.R.S. §32-2933(10). Dr. Schwengel indicated that a Letter of Concern may be an appropriate action by the Board. Mr. Farris made a motion to issue a Letter of Concern to Dr. Fry for failing to disclose the issuance of a disciplinary action from the Arizona Medical Board in her 2005 license renewal application. The motion was seconded by Ms. Prassa. During discussion, Dr. Schwengel expressed concern about the Arizona Medical Board's failure to comply with the provisions of A.R.S. §32-2907(F) and provide as required in statute, all materials, findings, conclusions and a copy of the final action issued to Dr. Fry. Mrs. Springer was directed to contact the Arizona Medical Board and obtain a copy of the investigative case materials.

Mr. Farris's motion to issue a Letter of Concern passed unanimously.

Roll Call: Farris, Prassa, Schwengel, Gordon, Shelton, and Welch – Aye.

05-17 B.M-K vs. David Korn DO, MD(H)

Dr. Schwengel recused himself from the discussion of this matter. Mrs. Springer explained that Dr. Korn had provided medical records as the complainant had requested. Mr. Farris expressed a concern that Dr. Korn had taken a very long time to provide the medical records requested and may have violated medical records laws. Mr. Farris made a motion to open an investigation to determine if laws relating to the provision of medical records were violated. Dr. Shelton seconded the motion that passed with a majority vote.

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

Mrs. Springer explained that the Arizona Medical Board had asserted jurisdiction in this case. Assistant Attorney General Burns stated that although the Board has the authority to request a response from Dr. Fry at this stage of the investigation, the Board may wish to move forward once the Arizona Medical Board has completed its investigation and provided copies of the file to the Board. The Board deferred action at this time.

VII. RULES/LEGISLATION

1. Mrs. Springer reported that the Governor's Regulatory Review Council had approved the Notice of Final Rulemaking for Chapter 38, Article 1 and had filed the rule in the Secretary of State's Office. She explained the rules would be effective sixty days from publication (approximately September, 2005). She also indicated that revisions to Chapter 38, Article 3 were ongoing with regard to including standards for board approved programs as recommended by the Governor's Regulatory Review Council analyst in a courtesy review.

VII. REVIEW, CONSIDERATION, and ACTION ON PROFESSIONAL BUSINESS

1. Mrs. Springer explained the draft policy she prepared that the Board may want to utilize when reviewing cases that would fall under A.R.S. 32-3208 (the requirement to report the receipt of a felony and/or misdemeanor charge within 10 days of receipt of the charge). Dr. Welch requested that the executive director prepare a newsletter to be mailed to licensees informing them of the requirements of A.R.S. §32-3208 along with a list of reportable violations
2. Dr. Shelton recused himself from the discussion of this matter. Mrs. Springer stated that the Department of Revenue had filed a Notice of Final Rulemaking at the end of April, 2005 with the Governor's Regulatory Review Council and were awaiting comments from the rules analyst. Dr. Welch inquired whether or not the regulation would exempt sales tax collection from the provision of orthomolecular substances as well as those drugs covered by the *Homeopathic Pharmacopeia*. Mrs. Springer indicated she would research the matter and report back at the next regular meeting.
3. Mrs. Springer stated that the DEA had not responded to the Board's correspondence that had been sent protesting the recent action to classify Arizona homeopathic physicians as mid-level practitioners and to deny DEA registration unless the Arizona homeopathic physician also held an active M.D.

or D.O. license. She indicated that one of the affected physicians had sent their own correspondence urging the DEA to act on his request for a DEA permit at his Arizona office location.

4. The Board considered Dr. Alan Ketover's consent for the use of Transdermal DMPS (TD-DMPS). Dr. Schwengel inquired whether or not the therapy was safe. Dr. Gordon explained that the treatments had been used in Germany for 20 years and were considered safe, but that some side effects had been noticed. Dr. Welch inquired about how the therapy compared to oral DMPS. Dr. Gordon stated that his preference is for the oral DMPS, however, the Transdermal DMPS appears to have antiviral effects. He noted that it is a chelating compound and is not considered homeopathic. The Board directed that Mrs. Springer acknowledge receipt of the consent form in compliance with *AAC R4-38-112* and place a copy in Dr. Ketover's file.

VIII. REVIEW, DISCUSS AND ACTION REGARDING OTHER BUSINESS

1. There was general discussion concerning correspondence from Assistant Attorney General Elizabeth Burns regarding homeopathic veterinarians. A.A.G. Burns indicated that the Board would only have jurisdiction in instances where the homeopathic practitioner was advertising as a physician.
2. Mrs. Springer briefed the Board regarding current revenues. She reported that 80.12% of the fiscal year 2005 appropriation fund had been used as of April 30, 2005 and the current cash balance was 44,355.64. Revenue collections are 93.34% of the amount projected in the fiscal year 2005 budget.

IX. FUTURE AGENDA ITEMS

No agenda items were recommended

X. CALL TO THE PUBLIC

No members of the public made comments.

(II. ANNOUNCEMENTS – at Dr. Shelton's request this item was moved to the end of the meeting)

Dr. Shelton addressed the Board and conveyed his sincere thanks to the Governor, each of his fellow Board members and Mrs. Springer for their cooperation and assistance during the years of his appointment. He reminded the Board that they were appointed to protect the public and to enable the public to have access to homeopathic medical care. Dr. Shelton noted that ten other states recognize homeopathy, but in those states board members representative of the discipline serve on the traditional allopathic medical boards. Arizona, Nevada, and Connecticut are the only states that have separate homeopathic boards. Fellow Board members expressed their thanks for his dedicated service for the last nine years and wished him continued success in all of his endeavors.

CLOSE OF BUSINESS/ADJOURNMENT

The meeting adjourned at 11:45 p.m. following a motion by Dr. Welch. Ms. Prassa seconded the motion that passed unanimously. The next Regular

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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 **July 12, 2005.**

Respectfully Submitted,

Christine Springer
Executive Director