

Arizona State Board of Homeopathic and Integrated Medicine Examiners

Regular Meeting Minutes

July 12, 2016

I. Call to Order, Roll Call

Presiding officer, Dr. Charles Schwengel, called the meeting to order at 9:05 a.m. and confirmed the attendance of the following board members:

Present:

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

Christine Springer, Executive Director and Sabrina Kahn, Assistant Attorney General were also present.

Following roll call, Dr. Charles Schwengel, on behalf of the Board, presented a service award to Executive Director Springer who is retiring. He thanked her for her dedication and many years of service. Mrs. Springer expressed her thanks for their recognition and stated she had greatly enjoyed her association with the Board.

2 Conflicts of Interest

Dr. Schwengel indicated he would recuse from Agenda Item 4, regarding Alexis White.

3. Review, Consideration, and Action on Minutes

Board members considered the minutes of the May 10, 2016 Regular Meeting.

MOTION: Mrs. Gillette moved to approve the minutes.

SECOND: Dr. Adler

MOTION PASSED unanimously 5-0

Kennedy, Gillette, Warner, Schwengel, Adler

The Executive Session Minutes of May 10, 2016 were tabled to the next Regular Meeting.

The Board considered the minutes of the May 17, 2016 Teleconference Meeting.

MOTION: Dr. Warner moved to approve the minutes

SECOND: Mr. Kennedy

The final vote on the minutes was held at the end of the meeting. At that time the minutes were approved unanimously.

MOTION PASSED: 5-0 Kennedy, Gillette, Warner, Schwengel, Adler

4. Review, Consideration and Action on New Applications

Homeopathic Medical Assistants

Board members considered the homeopathic medical assistant application of **Alexis White**. Dr. Adler requested clarification of length of employment at a previous job Ms. White had. With that clarification Mrs. Gillette made a motion approving the application pending receipt of the information clarifying Ms. White's previous employment at Central Arizona Urology.

MOTION: Mrs. Gillette.

SECOND: Dr. Adler

MOTION PASSED 4 – 0 Kennedy, Warner, Adler, Gillette

RECUSED: Dr. Schwengel

5. Review, Consideration, and Possible Action Regarding Complaints and Investigations

a. Tracking Log Notification of New Complaint File

i. Inquiry No. 16-01 Devin Mikles MD, MD(H) Referral Arizona Medical Board

Dr. Schwengel began the discussion by clarifying that this is a new inquiry and that the Board must first determine jurisdiction pursuant to A.R.S. § 32-2907 since Dr. Mikles also holds an Arizona medical license.

Mrs. Springer provided a short synopsis of the matter that had been brought to the Board's attention by Dr. Mikles. She explained that he had been notified by the Arizona Medical Board of a complaint they had received from an audiologist in Ohio state regarding a direct mail advertisement for a product named Reconnect. The Ohio Medical Board raised a concern that Dr. Mikles does not have an Ohio medical license or Ohio telemedicine license to practice alternative medicine in that state.

Mr. Kennedy commented that he believed the Homeopathic Board should have primary jurisdiction based on the type of product that Dr. Mikles serves as a consultant for and that once jurisdiction is determined there are a number of questions that should be clarified.

Dr. Schwengel and AAG Kahn reiterated the need to determine jurisdiction prior to initiating an investigation.

MOTION: Mr. Kennedy made a motion stating that the Homeopathic Board should notify the Arizona Medical Board of the Board's motion to establish primary jurisdiction.

SECOND: Dr. Warner

MOTION PASSED 5 – 0 Warner, Kennedy, Adler, Gillette, Schwengel

ii. Inquiry No. 16-03 Martha Grout, MD, MD(H) Referral Arizona Medical Board

Executive Director Springer explained that the Arizona Medical Board had communicated their intention to assert jurisdiction in this matter. Based on the type of treatment Dr. Grout provided to A.A. the Homeopathic Board may also wish to assert jurisdiction and if that occurs then both boards will go to arbitration at the Arizona Supreme Court.

MOTION: Mr. Kennedy made a motion stating that the Board should assert jurisdiction and that Dr. Schwengel be assigned to represent the Board.

SECOND: Mrs. Gillette

DISCUSSION: Dr. Adler commented that Dr. Grout's care of the patient, A.A. involved homeopathic as well as allopathic medicine. AAG Kahn commented that the Board may consider whether to stipulate dual jurisdiction with the Medical Board. If this were to occur then both boards would conduct their own investigation.

Dr. Schwengel stated that there is often a great deal of overlap on the practice methods of homeopaths, specifically the use of pharmacy and antibiotics.

ROLL CALL regarding the motion to assert jurisdiction pursuant to A.R.S. § 32-2907 and to appoint Dr. Schwengel to represent the Board at the arbitration hearing.

Aye – Schwengel, Kennedy, Adler, Gillette, Warner

Motion passed 5 – 0

6. Review, Consideration and Action on Previous board Orders

Board members reviewed and accepted the quarterly report filed by Dr. Crosby in compliance with the terms of his Consent Agreement and Order.

7. Review, Consideration and Possible Action on Professional Business

a) There was a brief discussion regarding board member appointments. Dr. Adler commented that he has served three 3-year terms and is ineligible for reappointment. He stated that he will be unavailable in September for the next regular meeting. Dr. Warner stated she had submitted her application for a second term to the Governor's office. Finally, Mrs. Gillette indicated that although she had enjoyed serving with the board she would not reapply for another term.

b) The scheduled presentation by Cindi Hunter from the Pharmacy Board concerning the upcoming implementation of SB1283 and the Controlled Substances Prescription Monitoring Program was tabled to the next Regular Meeting.

8 . Review, Consideration and Possible Action on Administrative Matters

1. Financial Report

Mrs. Springer reported that as of June 30, 2016 the Board's cash balance is \$7,465, with total expenses of \$74,313. As of this date the Board's total revenue was \$76,545.

2. Executive Director Position:

Following discussion the board agreed that a Personnel Committee should be formed to review candidate resumes for the position of Executive Director. Board members, Kennedy, Gillette, and Warner agreed to serve on the committee along with the Mrs. Springer.

The Board stated they would want to interview candidates selected by the Committee at the September 13, 2016 Regular Meeting. A teleconference meeting for Committee members will be scheduled in the near future to review the resumes.

9. Review and Discussion of Future Agenda Items

- Personnel Matters – Executive Director Hiring
- Dr. Grout inquiry
- Dr. Mikles inquiry

10.. Review and Discussion of Future Meeting Dates

Personnel Committee to be announced

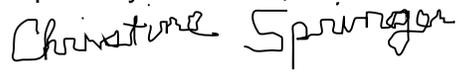
11. Call to the Public

No members of the public were present

12. Adjournment

The meeting adjourned at 10:20 a.m. following a motion by Mrs. Gillette. The motion was seconded by Dr. Adler and passed with a unanimous vote.

Respectfully Submitted,

A handwritten signature in black ink that reads "Christine Springer". The signature is written in a cursive, flowing style.

Christine Springer
Executive Director

Board reviewed and approved the minutes at the September 13, 2016 Regular Meeting