



ARIZONA STATE BOARD OF HOMEOPATHIC and INTEGRATED MEDICINE EXAMINERS

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Charles Schwengel, DO, DO(H)
Alan Kennedy
Mary Grace Warner, MD, MD(H)
Mario Fontes

**AZ Homeopathic Examiners Board
Teleconference Regular Session Minutes
November 14, 2017**

1. CALL TO ORDER

The presiding officer, Dr. Charles Schwengel, called the meeting to order at 9:10 a.m.

2. ROLL CALL

Dr. Schwengel confirmed the attendance of the following Board Members:

Present:

Charles Schwengel DO, DO(H)
Mary Grace Warner-Dunlop, MD, MD(H)
Mario Fontes
Alan Kennedy

Also present: Eric Borg, Executive Director, Sabrina Khan, Assistant AG

3. DECLARATION OF CONFLICTS OF INTEREST

None declared.

4. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPROVAL OF MEETING MINUTES.

- a. Regular Meeting Minutes – September 12, 2017

The Board considered and discussed the Regular Session minutes of the September 12, 2017 meeting.

MOTION: Dr. Warner made a motion to approve the regular session minutes of September 12, 2017.

SECOND: Mr. Kennedy seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

5. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE FOLLOWING JURISDICTION MATTER.

- a. Inquiry Number: 17-03 – Dr. Dan Harper, MD, MD(H)

Mr. Borg gave an overview of the case that was conducted by the California Medical Board. Mr. Fontes asked if the licensee practices in CA. or AZ. Borg answered CA. Dr. Schwengel noted

that there isn't a complaint from within AZ against the licensee but that the Board is looking into this due to the actions that the CA. Medical Board took against the licensee.

The Board voted to go into Executive Session in order to receive legal counsel regarding their responsibilities and options in this case.

MOTION: Alan Kennedy made a motion to go into Executive Session to get legal counsel.

SECOND: Mario Fontes seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

The Board went into Executive Session at 9:17am.

The Board went back into Regular Session at 9:20.

Dr. Schwengel stated that it appears that the issues at hand which the licensee was accused of by the CA Board all fall under the AZ Homeopathic Board's practice act and jurisdiction should be claimed by the HE Board.

MOTION: Dr. Warner made a motion to accept jurisdiction in this case.

SECOND: Mario Fontes seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

6. BOARD ADMINISTRATIVE MATTERS FOR REVIEW AND DISCUSSION

a. Office Relocation Update

Mr. Borg discussed the Board's office relocation. The Board shall be moving to 1740 W. Adams in late December or early January. Dr. Schwengel stated that the Board's next meeting on January 9, 2018 will be at the new location. A discussion about badge access ensued. Borg mentioned setting up an appointment for Board members to get their pictures and badges prior to the meeting.

7. CALL TO THE PUBLIC

Mr. Steve Myers appeared as legal counsel for Dr. Dean Silver and addressed the Board. Mr. Myers asked the Board to reconsider its decision on jurisdiction regarding his client's complaint and place the matter on a later calendar.

Myers detailed his history appearing before medical boards. He indicated that Dr. Silver practices entirely homeopathic and integrative medicine. He put forth that if the AZ Medical Board receives primary jurisdiction in this matter his client would receive a list of accusations for practicing outside of the allopathic standards even though his client was practicing 100% homeopathic medicine. If jurisdiction was retained by the HEB, the only thing the AMB would receive at the end of the case is the HEB investigation file. The AMB would not be allowed to go beyond that investigation.

Myers gave his recollection of the AMB and HEB boards' past practices for addressing jurisdiction. He felt that an investigation into this matter by the HEB could be rather simple and

gave his suggestions for an investigation. He again asked for the matter to be placed on the next HEB agenda for jurisdiction reconsideration and requested that the Board hold a teleconference before the next AMB meeting on December 6.

Dr. Schwengel asked Ms. Khan if the Board could address this matter. Ms. Khan stated that the matter needed to be placed on a future agenda for discussion.

8. REVIEW AND CONSIDER FUTURE BOARD MEETING DATES

- a. January 9, 2017

9. REVIEW AND CONSIDER FUTURE AGENDA ITEMS

Mr. Kennedy felt it important to have an in-person Board meeting to discuss the Silver case. Mr. Fontes stated that the Board had already acted on this matter and therefore didn't feel it warranted a special meeting. Mr. Kennedy agreed. Dr. Schwengel added that since the Board has already taken action on this matter, the issue is done unless the Board reconsiders its action. Ms. Khan repeated that any further actions must be done on a future meeting agenda. Dr. Schwengel directed Mr. Borg to place this issue on the January 9, 2018 agenda.

10. ADJOURNMENT

MOTION: Dr. Warner made a motion to adjourn.

SECOND: Mario Fontes seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

Respectfully submitted,

Eric Borg
Executive Director