



ARIZONA STATE BOARD OF HOMEOPATHIC and INTEGRATED MEDICINE EXAMINERS

Douglas A. Ducey
Governor

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

**AZ Board of Homeopathic and Integrated Medicine Examiners
Regular Session Minutes
March 13, 2018**

1. CALL TO ORDER

The acting chairperson, Dr. Mary Warner, called the meeting to order at 9:00 a.m.

2. ROLL CALL

Dr. Warner confirmed the attendance of the following Homeopathic Examiners Board (HEB) Members:

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

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

Dr. Schwengel addressed the board regarding the condition of his health. Due to his present health conditions, he is stepping down as the chairperson effective immediately. He will continue to serve on the board as long as he can. Dr. Warner as Vice Chair will continue as acting Chairperson until the board can conduct elections.

3. DECLARATION OF CONFLICTS OF INTEREST

None declared.

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

- a. Regular Meeting Minutes –January 9, 2017.

The HEB considered and discussed the Regular Session minutes of the January 9, 2018 meeting.

MOTION: Mr. Kennedy made a motion to approve the regular session minutes of January 9, 2018.

SECOND: Mr. Fontes seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

5. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING JURISDICTION OF THE FOLLOWING DUAL LICENSEE PURSUANT TO A.R.S. § 32-2907

Homeopathic Board Meeting
March 13, 2018

- a. Inquiry Number: 18-01 – Dr. Johnathan Murphy, MD, MD(H)

Mr. Borg stated that the AZ Medical Board forwarded this complaint to the HEB. The complaint was that a 70 year old patient had received laetrile treatments from Dr. Murphy and were given false hope that the treatments were effective and helping to cure the issue. The complaining surgeon argued the opposite. Dr. Warner asked if this board has jurisdiction in this matter. Mr. Borg stated that is the issue the board needs to determine. Mr. Fontes asked if the laetrile treatments falls under homeopathy. Dr. Warner stated that the laetrile treatments are integrative and should fall under the board's jurisdiction.

MOTION: Mr. Fontes made a motion to retain jurisdiction in this matter and open an investigation in the matter.

SECOND: Mr. Kennedy seconded the motion.

Roll call vote was conducted. Motion passed unanimously.

Ms. Khan stated that the AZ statutes state that the board appoint a member to serve as an expert at the arbitration hearing.

MOTION: Mr. Kennedy made a motion for Dr. Warner to be appointed to serve as the board's representative for the arbitration hearings

SECOND: Mr. Fontes seconded the motion.

Roll call vote was conducted. Motion passed unanimously

6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE FOLLOWING INVESTIGATION.

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

Mr. Borg explained that the board voted to table the matter at the last meeting. Dr. Harper had submitted a lot of documentation just prior to the last meeting. Mr. Borg agreed to read the material and submit the pertinent portions to the board for its review. Mr. Borg stated that an interesting finding was regarding the destructors for the ozone therapy. The CA Medical Board (CMB) noted its requirements for the destructors which Dr. Harper said were different than the manufacturer's requirements. The CMB stated in its Amended Accusations document that Dr. Harper first stated that he didn't use destructors with his ozone therapy. Dr. Harper testified to the HEB that he used three destructors in his ozone therapy. The manufacturer's specification calls for one destructor to be used with the ozone therapy treatment. Mr. Fontes stated that he would like to see a purchase date for Dr. Harper's equipment. Dr. Warner stated that she didn't recall reading in the CA investigator's findings where they looked for purchase documentation of Dr. Harper's equipment. Mr. Fontes stated that even if Dr. Harper didn't use a destructor, a little ozone would be harmless to patients. Dr. Warner stated that it could cause coughing and headaches but may be more impactful to patients with asthma or other lung ailments. Mr. Borg stated that what the CMB looked at was not whether a little ozone would be harmful but whether Dr. Harper followed the manufacturer's protocol. Dr. Warner added that the CMB stated that documentation was lacking.

Dr. Warner asked about the investigator volunteers. Mr. Borg is still waiting for a list from the homeopathic association. Ms. Khan stated that the HEB has a lot of material before it and could make a determination to issue a letter of concern at this juncture or you could do a further investigation. Mr. Fontes asked if the board could send Dr. Harper a letter asking him to show documentation for his purchase dates of his equipment. Ms. Khan answered yes. Mr. Borg pointed out that this would only address one of the issues the CMB cited against Dr. Harper. Dr. Warner added that the issues were thoroughly documented and analysis for the board.

She further added that the HEB should take the documentation that was done and draw its conclusions from that.

MOTION: Mr. Kennedy made a motion to table this matter so that Mr. Borg can send a letter to Dr. Harper asking for the purchase documentation for his destructors

SECOND: Mr. Fontes seconded the motion.

Roll call vote was conducted. Motion passed unanimously

7. BOARD ADMINISTRATIVE MATTERS FOR REVIEW AND DISCUSSION

a. Legislation – H.B. 2411

Mr. Borg described the history of HB2411. The bill initially was to repeal the HEB and other Boards. Representative Mosely is the sole sponsor. He is a freshmen legislator from Mohave County that ran on a downsizing government platform. He is supported by a couple of think tanks that wish to eliminate more government regulations.

The bill was turned into a striker bill and Representative Mosely agreed to not go forward pending the Sunset review of the HEB next year. The current language of the bill states that the board will look at licensing requirements of other states and see how to streamline our requirements. Further, the HEB should look at reciprocity agreements with other states.

Mr. Borg stated that we have some of this information as we are required to look at as part of an Executive Order issued by the Governor. Mr. Fontes stated that there is additional room for improvement under the bill and he would like to discuss it. Mr. Kennedy stated that he would like to have the information on what other states are doing. Mr. Fontes stated that if we could streamline the process, the outcome would lead to an increase in licensees.

Mr. Borg brought up that AZ and NV require prior MD or DO licenses whereas many of the states have lesser requirements because they aren't licensing homeopathic physicians. The homeopathic practices are lesser. Mr. Borg stated that this issue will be placed on the next agenda for discussion.

8. CALL TO THE PUBLIC

NONE

9. REVIEW AND CONSIDER FUTURE BOARD MEETING DATES

a. May 8, 2018

10. REVIEW AND CONSIDER FUTURE AGENDA ITEMS

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

b. Legislation – H.B. 2411

11. ADJOURNMENT

MOTION: Mr. Kennedy made a motion adjournment

SECOND: Mr. Fontes seconded the motion.

Motion passed unanimously