

# Arizona State Board of Homeopathic and Integrated Medicine Examiners

## Regular Meeting Minutes

March 14, 2017

### 1. and 2. Call to Order and Roll Call

Presiding officer, Dr. Charles Schwengel, called the meeting to order at 9:00 a.m. and confirmed the attendance of the following board members:

**Present:**

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

Eric Borg, Executive Director, Sabrina Khan, Assistant Attorney General, and members of the public were also present.

Dr. Schwengel made note of Dr. Warner's re-appointment to the Board and introduced the newest appointee, Mario Fontes who serves as a public member on the Board.

### 3. Conflicts of Interest

None

### 4. Meeting Minutes

Consideration of the Regular Meeting and Executive Session Minutes of November 8, 2016 was discussed.

MOTION: Dr. Warner motioned to accept the regular session minutes of November 8, 2016.

SECOND: Alan Kennedy

Motion passed 3 votes for with M. Fontes abstaining due to not having been on the Board at the time.

MOTION: Alan Kennedy motioned to accept the executive session minutes of November 8, 2016.

SECOND: Dr. Warner

Motion passed 3 votes for with M. Fontes abstaining due to not having been on the Board at the for the November meeting.

**5. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING INVESTIGATION POLICY OF PROVIDING CONTINUING EDUCATION CREDIT TO INVESTIGATORS**

MOTION: Alan Kennedy motioned to go into executive session at 9:20

SECOND: Dr. Warner

Motion passed unanimously.

Returned to regular session at 9:40.

**7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION ON INITIAL AND RENEWAL APPLICATIONS:**

**PHYSICIANS**

Dr. Mark Sherfey - candidate for licensure

Mr. Borg stated that Dr. Sherfey has met all licensure requirements and passed the license examination. The Board reviewed the license application for Dr. Sherfey and conducted an oral interview. Dr. Sherfey responded to Board questions about his background, what modalities he practiced, and his current practice of Homeopathy in Tennessee.

MOTION: Dr. Warner motioned to approve Dr. Sherfey for licensure.

SECOND: Mario Fontes

Motion passed unanimously.

Dr. Murray Susser – renewal application

Mr. Borg stated that Dr. Susser had applied for license renewal with the State of Arizona and had paid his fees. Dr. Susser submitted an Order from the State of California in which Dr. Susser's license was revoked and stayed. Dr. Susser was placed on a four year probation with terms and conditions consented to.

Mr. Fontes inquired about protecting the public and the nature of the violations within the Order. A discussion ensued as to the violations and Dr. Susser's intent on moving forward with his license.

MOTION: Alan Kennedy motioned to table the issue so Dr. Susser could appear at the next Board meeting to answer questions.

SECOND: Mario Fontes

Motion passed unanimously.

**MEDICAL ASSISTANTS**

Marlon Gonzalez Suarez - candidate for registration

MOTION: Dr. Warner motioned to approve Marlon Suarez for licensure

SECOND: Alan Kennedy

Motion passed unanimously.

Ailyn Garces Mendez - candidate for registration

MOTION: Mario Fontes motioned to approve Ailyn Mendez for licensure

SECOND: Dr. Warner

Motion passed unanimously.

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**6. COMPLAINTS & INVESTIGATIONS:**

- a. Inquiry Number: 16-06 David Rupley, MD, MD(H)

Mr. Borg gave an overview of the case.

Board members discussed the potential issues at hand in this case. Dr. Schwengel asked if any of Dr. Rupley's action constituted unprofessional conduct as defined in the Board's statutes. He further asked if the treatments caused harm to the patient. Mr. Fontes asked if there was a distinction between medical vs. non-medical therapies. He asked if PEMF is a medical treatment.

Dr. Rupley stated that the PEMF therapy is non-medical in that it doesn't require any training to purchase a machine and anyone can buy it and treat themselves.

Dr. Warner inquired as to Dr. Rupley's relationship to Coyote Healing Center. Dr. Rupley stated that he is Coyote Healing Center and that he didn't carry liability insurance. He didn't have a relationship with the customer, D.D., but the relationship was with D.D. and his staff Carol Keck, R.N. and Mary Rupley. He further stated that it is quite possible that the PEMF machine surged, but that Mary Rupley would have turned it down.

Dr. Warner inquired if Dr. Rupley had a contractual agreement with those running the PEMF machine. Dr. Rupley said no, that Mary Rupley was an employee and that Carol Keck was not paid. The clinic owned the PEMF machine, and he owns the clinic. Mr. Fontes asked Dr. Rupley if he owned the clinic and whether the clinic provided the PEMF treatments and took money for the treatments. Dr. Rupley said yes.

Mr. Borg asked Dr. Rupley if he advertised the PEMF treatment in periodicals. Dr. Rupley confirmed this. Discussion ensued as to the function of the PEMF machine.

Dr. Schwengel stated that a doctor should be held to a standard of care and liability for patients that come into a clinic so he recommends a letter of concern for Dr. Rupley.

MOTION: Dr. Warner motioned at 10:55 to go into executive session to discuss legal options.

SECOND: Mario Fontes

Motion passed unanimously.

Regular session resumed at 11:05.

MOTION: Dr. Warner motioned for a letter of concern that would cover three areas: Supervision, Training, and Documentation.

SECOND: Dr. Schwengel

Motion passed 3 votes for with 1 vote opposed.

- a. Inquiry Number: 16-01 Devin Mikles, MD, MD(H)

Mr. Borg gave an overview of the case.

Dr. Schwengel led a discussion on the contractual relationship between Dr. Mikles and the manufacturer of the product. Dr. Warner asked Dr. Mikles for a timeline for the various correspondence between the parties. Dr. Mikles gave various dates in which he stated to have made the manufacturer aware that the ad was different than what his research showed. Dr. Mikles stated that he talked directly to the company president about this.

MOTION: Dr. Warner motioned to dismiss the case.

SECOND: Alan Kennedy

Motion passed unanimously.

8. **ADMINISTRATIVE MATTERS:** Review and Discuss Executive Director's Reports.

- a. Controlled Substances Prescription Monitoring Program policy and implementation of S.B. 1283.

The Board agreed that it had already met its obligation to notify its licensees and will await further actions from the Pharmaceutical Board.

- b. Board office relocation update

Mr. Borg gave a report that ADOA is targeting the move for between 12/17 and 1/18 for the office move.

c. Executive Order 2017-02

Borg summarized the Executive Order stating that the Board is to ask all stakeholders to review the rules and determine which are unnecessary or overly burdensome and then report to the Governor's Office by September 2017.

The Board agreed that Dr. Schwengel and Mr. Borg would meet with AHIMA to see what assistance they could offer. Further, Mr. Borg will get the Executive Order information onto the Board's new website once it becomes available.

**9. Call to the Public**

No public members remained present

**10. Future Board Meeting Dates**

Regular Meeting May 9, 2017

**11. Future Agenda Items**

Presentation on Lymphatic Drainage Therapy

Discussion on a name change for the Board

**12. Adjournment**

The meeting adjourned at 11:20 a.m. following a motion by Dr. Warner.

Respectfully Submitted,

Eric Borg  
Executive Director