

Arizona State Board of Homeopathic and Integrated Medicine Examiners

Regular Meeting Minutes

May 9, 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:

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, Marc Harris, Assistant Attorney General and Malonie Gabriel, presenter on Lymphatic Drainage Therapy

3. Conflicts of Interest

None

4. Meeting Minutes

Consideration of the Regular Meeting and Executive Session Minutes of March 14, 2017 was discussed.

Dr. Schwengel had a change on page 3 under Medical Assistants that the term registration replace the term licensure.

MOTION: Dr. Warner motioned to accept the regular session minutes of March 14, 2017 with Dr. Schwengel's amendment.

SECOND: Mario Fontes
Motion passed unanimously.

MOTION: Mario Fontes motioned to accept the executive session minutes of March 14, 2017.

SECOND: Dr. Warner
Motion passed unanimously.

5. COMPLAINTS AND INVESTIGATIONS

Inquiry Number: 16-05 Rick Shacket, DO, DO(H)

Mr. Borg gave an overview of the case.

Dr. Schwengel asked where the original complaint came from. Mr. Borg responded from the AZ Medical Board (AMB) – see the AMB allegations letter. Ms. Khan further stated that it initiated with the AMB then went to the Osteopathic Board (AOB) then to the Homeopathic Examiners Board (HEB). Borg added that the HEB voted for dual jurisdiction with the AOB. Mr. Fontes referenced the Shacket letter of 3/8/17 in which Shacket stated that since the HEB elected not to assert primary jurisdiction, homeopathic treatments will come before the AOB for adjudication.

Mr. Borg stated that the Board needs to determine the issue under the HEB statutes and not concern itself with the AOB issues. Mr. Harris added that the HEB should investigate whether there was a violation of the HEB practice act. AOB and HEB will act independently regarding their statutes.

Mr. Fontes asked what the outcome of the AOB hearing was. Ms. Khan attended the hearing. The AOB issued a decree of censure and a \$1,000 fine.

Dr. Schwengel asked if this Board had initiated an investigation. Mr. Borg stated that the record has been compiled so it now needs to be investigated. Dr. Schwengel directed the discussion to the updated case report where the AOB investigator was quoted as stating that “chemotherapy should be given by properly trained physicians...” He stated that A.R.S. 32-1821.2 allows for our licensees to practice under our license.

Mr. Borg suggested that the Board shouldn’t look at whether or not it is proper for a Homeopathic licensee to use IPT but rather should look at if the standard of care was followed, were proper records kept and were there violations of the HEB statutes.

Dr. Schwengel asked if the AOB case was closed. Ms. Khan said yes but that Shacket still had the right of appeal. Dr. Schwengel stated that he’d like to look at the AOB violations because their statutes and ours are similar. He pointed out that after reviewing the file he had the following concerns: a. there was no physical exam by the supervising physician; b. A PA can’t perform a physical examination for the doctor and the supervising doctor has to countersign the PA’s notes. Dr. Warner stated these were not done. Mr. Fontes said that the PA wrote IPT treatments in the notes but it looks like the MA performed the treatments.

Dr. Schwengel gave an overview of the IPT treatment and asked if Dr. Shacket is certified to perform the treatment. Mr. Fontes stated that Dr. Shacket’s letter in August says he is certified in IPT and that this needs to be authenticated. Were the MA’s properly trained in IPT? Dr. Schwengel also wanted to look at the issue of Medicare fraud.

Ms. Khan stated that the Board can’t investigate cases but that the Exec. Dir. could. The Medicare fraud should be turned over to the appropriate agency. The Board can develop a list of questions it would like investigated, turn them over to the Exec. Dir. and then review the results. After some discussion, the following questions were noted:

1. Was Dr. Shacket properly certified in IPT?

2. Were the MA's properly trained in IPT?
3. Was there proper supervision of the MAs and the PA?

Motion - Dr. Warner motioned to ask Mr. Borg to investigate the above questions

Second - Mr. Fontes

The motion passed unanimously.

6. PRESENTATION: Lymphatic Drainage Therapy – presented by Malonie Gabriel BA, LMT, CMLDT.

Dr. Schwengel gave an overview of lymphatic drainage and introduced Malonie Gabriel. He asked the Board whether training classes in lymphatic drainage would be beneficial to our industry and if the classes could qualify for Board approval.

Ms. Gabriel discussed her training in lymphedema therapies. She showed diagrams of the lymphatic system and explained its functions – every muscle and organ drains into the lymphatic vessels. Lymphatic therapy is not a massage therapy but rather a stretching of the skin and vessels. One of the main functions of the lymphatic system is to remove proteins from the interstitials – we lose about 50% of our proteins every day. The system picks up toxins, debris and cancer cells. Approximately 650 lymph nodes act as filter systems and store white blood cells.

The kidney and heart are contra indicators for lymphedema and must be working well. Filtering three liters per day can be sped up to thirty liters per day if the heart and kidneys are working well. There are about 200 lymph nodes in a person's neck. Approximately 70% of our lymph nodes are just under the skin and in the fascia. This is why we can't do massage therapy.

Ms. Gabriel showed diagrams of the lymph watershed systems. If there is swelling then the valves get weak and the watershed doesn't work as efficiently. Obesity also obstructs the function of the watershed system.

There are many benefits to lymphatic drainage. Dr. Chikly lists over 100 indications for movement of the lymphatic system – detoxification and reduction in swelling are just two. Lymphatic drainage benefits Lyme disease and cancer.

A lymphatic system that has a mechanical deficiency isn't able to re-absorb. The more filtration that occurs, the more re-absorption occurs. Heat and saunas are used extensively in this field.

Diagnosing lymphedema is done in two forms. Most of the four stages consist of palpating and measuring.

Reference books:

Dr. Chikly - Theory and Practice of Lymph Drainage Theory

Dr. Foldi – Textbook of Lymphology for Physicians and Lymphedema Therapists
Zuther – Lymphedema management – The Comprehensive Guide to Practitioners

7. APPLICATION FOR APPROVAL OF CONTINUING EDUCATION COURSE

A. Clinical Homeopathy for Health Practitioners – British Institute of Homeopathy

Motion - Dr. Warner motioned to approve the application

Second - Mr. Fontes

Motion passed unanimously

8. Administrative Matters

a. Board Name Change

Dr. Schwengel stated that the nature of the practice of what we do is covered under the term integrative medicine and the word homeopathic may be unnecessary. Dr. Warner would like the term homeopathic to stay. It's hard to educate the public that homeopathy is a separate system of therapies. The misconception for lay people is they equate over the counter treatments with homeopathy. Mr. Fontes stated that we are part of the misconception. There appears to be a bias to the term homeopathy.

Mr. Borg reminded the Board that a name change would require a statutory change. Mr. Kennedy asked Ms. Khan if the integrative medicine term is misused do we have the obligation to enforce. Mr. Borg explained that the statutes define homeopathic practice but that integrative medicine could include naturopathy, acupuncture and others. Dr. Warner feels the umbrella term integrative medicine doesn't adequately cover homeopathic remedies and suggested leaving the name the way it is.

9. Call to the Public

No public members remained present

10. Future Board Meeting Dates

Regular Meeting July 11, 2017

11. Future Agenda Items

12. Adjournment

The meeting adjourned at 11:12 a.m.

Respectfully Submitted,

Eric Borg
Executive Director