



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 Regular Session Minutes July 25, 2017

Board Members Present:

Dr. Mary Grace Warner-Dunlop
Dr. Charles Schwengel
Mario Fontes
Alan Kennedy

Staff / Others Present:

Eric Borg, Executive Director
Sabrina Khan, Assistant Attorney General

1. Call to Order

The presiding officer, Dr. Charles Schwengel, called the meeting to order at 9:00 a.m.

2. Roll Call

Dr. Schwengel confirmed the attendance of the following board members.

Present:

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

Eric Borg, Executive Director, Sabrina Khan, Assistant Attorney General, and members of the public: Dr. Shacket, Mr. Guffey (atty. For Shacket) and Dr. Schmerler

3. Conflicts of Interest

None

4. Meeting Minutes

The Board discussed the consideration of the Regular Session Minutes of May 9, 2017.

MOTION: Mario Fontes made a motion to accept the regular session minutes of May 9, 2017.

SECOND: Dr. Warner seconded the motion.

Motion passed by unanimous vote.

5. Review, Consideration, and Possible Action Regarding Case #16-05, Dr. Shacket.

The Respondent, Dr. Rick Alan Shacket, DO, DO(H) was present with attorney Douglas O. Guffey and Dr. Elliot Schmerler, MD, MD(H), the administrator at EuroMed. Mr. Borg was asked and provided an overview of case number 16-05 regarding Dr. Shacket. At May 9, 2017 Board Meeting, the Board asked Mr. Borg to gather information to address the following three questions:

Question 1: Was Dr. Shacket properly trained and certified in Insulin Potentiation Therapy (“IPT”)?

Question 2: Were the medical assistants properly trained in IPT?

Question 3: Was there proper supervision of the medical assistants by Dr. Shacket?

Mr. Borg investigated and gathered information regarding these three questions. Mr. Borg presented an IPT certificate granted to Dr. Shacket in Oct. 2006 by Dr. Frank George. Dr. Schwengel stated that most certificates expire around 7 years and need to be renewed to keep abreast of current practices. He felt that since IPT is narrow in its scope no new changes in IPT have been implemented which would require recertification. Dr. Warner asked if we have anything that speaks to whether this certification meets our requirements. Is 40 hours adequate? Mr. Borg replied that he couldn't find anything in the Board's files that addressed this.

Dr. Schwengel stated that when he was certified in IPT, the Board accepted the 40 hours as adequate. Dr. Warner posed that a precedent had been established.

Dr. Schwengel said that it appears the first question had been answered so let's move to number 2 and hear from Dr. Shacket. He asked Dr. Shacket if there is documentation supporting the MA's training in IPT? Mr. Borg stated that we didn't receive anything through the subpoena process that addressed this so all we have is the information in the medical assistants' applications. An example used was in Alcides Betancourt's MA application which showed specific hours and types of training. Dr. Schmerler added that there is no certification issued, only that the MA had completed the training. All of the applicants receive the same training regarding IPT. Mr. Borg mentioned that the applications had been approved by the Board last year.

Dr. Schwengel said it was safe to say that we've answered question #2 and are now moving to question 3, the supervision question.

Mr. Fontes asked if we have any supervision records for the case. Mr. Borg replied that the supervision of medical staff would be provided and noted in the medical records. Mr. Borg stated that there are medical records in this case show that Dr. Shacket signed off on some records; however, he did not sign all medical records. Dr. Schmerler stated that he reviewed the case and that he feels that Dr. Shacket properly supervised this case but that the charts could have been better.

Dr. Warner stated that there is no reason to believe the MAs weren't properly supervised; however, the documentation wasn't adequate particularly in regards to the Physician Assistant, Carlosi. Dr. Schwengel asked if Euromed uses paper or electronic records. Dr. Schmerler replied that they use paper.

Dr. Schwengel asked what the "big picture" was with this case and who filed the original complaint. Ms. Khan replied that the original complaint was filed at the Arizona Medical Board who forwarded the complaint to the Osteopathic Board due to jurisdiction. The Osteopathic Board then forwarded the complaint to this Board, the Homeopathic Board, as Dr. Shacket is a dual licensee.

Mr. Fontes stated that he felt the "big picture" issue is that the initial physician complaining didn't like IPT. It is clear that our licensees can do IPT. We need to stand up for our physicians' ability to do IPT. The records issue is secondary.

Dr. Warner disagreed. She felt the medical records are the issue, as the records reflect what occurred in the treatment of the patient. Mr. Borg stated that the statutes deal with the area of professional conduct and the statutes and rules outline specific requirements for physicians to maintain and sign medical records. When looking at the 3 questions posed by the Board, the first 2 have been satisfied, which leaves only the question regarding the medical records.

Dr. Schwengel gave an overview of IPT and compared it to regular chemotherapy. He felt that a doctor giving full dose chemo needs to be Board certified as an Oncologist whereas a doctor giving low dose IPT and who has the training and certification doesn't need to be an Oncologist.

Dr. Warner stated that there wasn't a problem with the standard of care related to the practice of IPT, but she stated the medical records were inadequate. Dr. Schwengel said that maybe a letter of concern would be appropriate.

Ms. Khan gave the Board its procedural options at the stage of review:

- Dismiss
- Letter of Concern (non-disciplinary)
- Letter for Continuing Education (non-disciplinary)
- Consent Agreement

Mr. Guffey underscored the issue of the Osteopathic Board not recognizing Homeopathic Physicians performing IPT. The DO Board rejected Dr. Shacket's

argument and the ability of Homeopathic Physicians to perform IPT. Guffey stated that the medical records issues have been remedied.

Dr. Schwengel suggested separating the IPT from the medical records issue by opening a new complaint. Ms. Khan asked for clarification on this proposal.

Mr. Fontes motioned to go into Executive Session for legal advice.
Dr. Warner seconded. The vote was unanimous. The Board went into Executive session at 9:44.

9:50 a.m. the Board came out of Executive Session and resumed Regular Session.

Dr. Schwengel stated that the complaint from the Osteopathic Board has been decided. Homeopathic Physicians can perform low dose IPT. Dr. Schwengel asked whether Board members feel there is an issue with the medical records.

Dr. Warner felt that the medical records weren't adequate so there should be a letter of concern addressing this. Mr. Kennedy added that as a representative of the public, he puts himself in the place of a patient, and finds less than 100% accuracy not acceptable, so there should be a letter of concern and continuing education required. Dr. Schwengel opened the floor for a motion.

MOTION: Dr. Warner motioned to send a letter of concern regarding the documentation.

SECONDED: Mr. Kennedy seconded.

However, further discussion ensued to address the wording of the letter of concern.

AMENDED MOTION: Dr. Warner amended the motion to include language that there was not a standard of care violation in the administration of IPT, but that the medical records were inadequate.

AMENDED SECOND: Mr. Kennedy seconded.

A roll call vote was unanimous in issuing a letter of concern to Dr. Shacket.

- 6. Review, Consideration, and Possible Action on Medical Assistant Applications.**
The medical applications for review were withdrawn by Euromed.
- 7. Review, Consideration, and Possible on Continuing Education Applications.**
The Board reviewed the application for Constitutional Homeopathy class.

MOTION: Mr. Fontes made a motion to accept the class.

SECONDED: Dr. Warner seconded the motion.

The Board passed with unanimous approval.

8. Administrative Matters

Mr. Borg gave an overview of the budget and mentioned that he was able to renegotiate some contracts so expenses have been reduced. He asked the Board how frequently they would prefer to be briefed on the budget. The Board would like quarterly briefings.

9. Call to the Public

No public members remained present.

10. Future Board Meeting Dates

The next Board Meeting is scheduled for September 12, 2017.

11. Future Agenda Items

Mr. Fontes would like to discuss how to support licensees.

12. Adjournment

MOTION: Mr. Fontes made a motion to adjourn.

SECONDED: Dr. Warner seconded.

The meeting adjourned at 11: 20 a.m. by a unanimous vote.

Respectfully Submitted,

Eric Borg
Executive Director