

# Arizona State Board of Homeopathic and Integrated Medicine Examiners

## Regular Meeting Minutes

September 13, 2016

### I. Call to Order, 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  
LaJuana Gillette  
Mary Grace Warner-Dunlop, MD, MD(H)

Christine Springer, Executive Director, Sabrina Kahn, Assistant Attorney General, Marc Harris, Assistant Attorney General, Lucy Mailloux, Shared Services, Department of Administration and members of the public were also present.

### 2 Conflicts of Interest

None

### 3. Presentation

The members of the Board took this time to recognize and express their thanks to Dr. Les Adler for his many contributions to the Homeopathic and Integrated Medicine Board during the last nine years. Mrs. Springer noted for the record that Dr. Adler was unable to attend the meeting but that she would be mailing a thank you and an award plaque recognizing Dr. Adler's efforts on behalf of the citizens in Arizona.

### 4. Review, Consideration, and Action on Minutes

Board members considered the executive session minutes of the May 10, 2016 regular meeting

MOTION: Mr. Kennedy moved to approve the minutes.

SECOND: Dr. Warner

MOTION PASSED unanimously 4-0

Kennedy, Gillette, Warner, Schwengel

The Board considered the regular meeting minutes of July 12, 2016.

MOTION: Dr. Warner moved to approve the minutes.

SECOND: Mrs. Gillette

MOTION PASSED unanimously 4-0

Kennedy, Gillette, Warner, Schwengel

Members of the Personnel Committee reviewed the Personnel Committee Minutes and the Executive Session Minutes of the August 3, 2016 meeting

MOTION: Mr. Kennedy moved to approve the committee minutes

SECOND: Mrs. Gillette  
MOTION PASSED 3 – 0  
Kennedy, Gillette, Warner  
Schwengel abstain

**5. Annual Meeting**

a. Election of Officers

The Board considered officers for the next year as set forth in A.R.S. § 32-2903(A). Dr. Warner nominated Dr Schwengel to continue serving as President. Mr. Kennedy seconded the nomination. Dr. Schwengel indicated he would continue to serve if elected.

Mr. Kennedy nominated Dr Warner to continue in her position as Vice President. Mrs. Gillette seconded the nomination.

Following a short discussion concerning nominations, Dr. Warner made a motion to approve the current slate of officers. Mrs. Gillette seconded and the motion maintaining the appointment of Dr. Schwengel as President, Dr. Warner as Vice President, and Mr. Kennedy as Secretary-Treasurer passed unanimously.

Dr. Schwengel took this opportunity to recognize the important and valuable position public members play in representing the board with regard to the public perception. He urged medical professionals to be aware of the need to use terminology the lay person can understand.

b. Meeting Schedule

The meetings will continue to be scheduled on the second Tuesday of every other month.

c. Fees – no change to the existing fees is anticipated since they are capped by statute.

**6. Review, Consideration, and Possible Action On Complaints and Investigations**

**a. Tracking Log Notification of New Complaint File**

*Inquiry No. 16-05 Rick Shacket, DO, DO(H)*

This item was tabled to the next regular meeting. Mrs. Springer commented that although she had received a timely response from Dr. Shacket, she did not have the original complaint that had been filed at the Arizona Medical Board.

MOTION: Mrs. Gillette made a motion to table the matter for additional information.

SECOND: Dr. Warner

MOTION PASSED 4-0

Kennedy, Schwengel, Gillette, Warner

**b. Ongoing Investigations – Review, Consideration and Action**

Inquiry No. 16-01 Devin Mikles MD, MD(H) Pending Jurisdiction status at the Arizona Medical Board

Mrs. Springer indicated that no action had been taken on the jurisdiction issue at the Arizona Medical Board concerning this pending matter.

MOTION: Dr. Warner moved to table the matter until the Arizona Medical Board determines their jurisdiction in the case.

SECOND: Mr. Kennedy  
MOTION PASSED 4-0  
Kennedy, Gillette, Warner, Schwengel

*Inquiry No. 16-03 – Martha Grout MD, MD(H) Pending arbitration hearing at the Arizona Supreme Court*

Assistant Attorney General Kahn indicated she had drafted a motion regarding the arbitration matter, noting that the Homeopathic Board requested primary jurisdiction. The Arizona Medical Board attorney is reviewing the motion and the Board will be notified when a hearing is scheduled.

MOTION: Dr. Warner moved to table this matter until jurisdiction is determined.

SECOND: Mrs. Gillette  
MOTION PASSED 4-0  
Kennedy, Schwengel, Gillette, Warner

The Board adjourned for a five minute break and returned to the meeting at 9:45 a.m.

**7. Review, Consideration and Action on Other Business**

This item was considered following the candidate interviews for the position of Executive Director.

Mrs. Springer briefly reviewed the 2018 budget and indicated that she had reduced the requested amount of appropriation to be more in line with cash revenues. No change was projected in anticipated revenue. She noted that rulemaking for the Doctor of Homeopathy must be completed to provide an opportunity for additional cash revenues.

The executive director briefly reviewed the lack of progress in obtaining a board appointment to fill Dr. Shelton's vacant position. She stated the Governor's Office of Boards and Commissions were requesting additional candidates for consideration and that the current administration preferred candidates that were personally known to Governor Ducey.

**8. Review and Consideration of Candidates; Interviews for Executive Director Position:**

Dr. Schwengel welcomed the candidates that were present for an interview and described the duties of the executive director position. He indicated Arizona was unique in that physicians could become licensed under the Board and were authorized by statute to practice alternative medicine as described in A.R.S. § 32-2901 in the definition of the practice of homeopathic medicine. He indicated that the interviews would be conducted in Executive Session.

MOTION: At 9:50 a.m. Mrs. Gillette made a motion to adjourn to Executive Session to discuss personnel matters pursuant to A.R.S. § 38-431.03(A)(1). Lucy Mailloux was present in the executive session representing the Shared Services Division, Human Resources Section at the Department of Administration.

SECOND: Dr. Warner  
MOTION PASSED 4 – 0  
Schwengel, Gillette, Kennedy, Warner

The Board returned to open session at 1:05 p.m. and took a short recess.

Upon their return from the recess AAG Harris explained to Candidate Ziegler that with the potential recusal of Dr. Schwengel from consideration of Mr. Ziegler's candidate interview the Board would lose quorum and would be unable to consider Mr. Ziegler's candidacy for the executive director position.

Dr. Schwengel questioned Mr. Ziegler concerning details of his wife's medical treatment at the facility where Dr. Schwengel is the medical director. He commented that as the medical director he is required to countersign all patient charts and treatment plans. If the treatment to Mr. Ziegler's wife was more than five years ago that would be prior to his employment at the facility as the medical director.

The Board took a break at 1:10 p.m. to allow Dr. Schwengel the opportunity to speak with clinic personnel and determine treatment dates for Mr. Ziegler's wife.

The Board returned to Open Session at 1:20 p.m. following the recess.

Dr. Schwengel reported the status of his involvement in the treatment of Mr. Ziegler's wife.

MOTION: Mrs. Gillette made a motion at 1:25 p.m. to enter into Executive Session pursuant to A.R.S. § 38-431.03(A)(3) for legal advice.

SECOND: Dr. Warner

MOTION PASSED unanimously 4-0

Schwengel, Warner, Gillette, Kennedy

The Board returned to Open Session at 1:45 p.m.

Dr. Schwengel addressed Mr. Ziegler and stated that he must recuse from consideration of his candidacy for the position of executive director. He explained that he has a conflict of interest in that there is a pecuniary interest with his position as the medical director at the clinic where Mr. Ziegler's wife was receiving medical treatment. As a result, the Board no longer has a quorum and is unable to proceed with the job interview with Mr. Ziegler. The Board thanked Mr. Ziegler for coming and wished him well in his future job searches.

MOTION: Mrs. Gillette made a motion at 1:50 p.m. pursuant to A.R.S. § 38-431.03(A)(1) to enter into Executive Session for personnel matters. Lucy Mailloux was present during the Executive Session.

SECOND: Dr. Warner

MOTION PASSED unanimously 4-0

Kennedy, Gillette, Schwengel, Warner

The Board returned to the Open Session at 2:30 p.m.

The members of the Board discussed the criteria of the executive director position and the qualifications they were looking for in the candidates.

MOTION: Dr. Warner made a motion to authorize Lucy Milleaux to contact candidates Eric Borg, Vanessa Martin, and Clayton Hopkins to conduct a review of their personal references and salary preferences.

SECOND: Mrs. Gillette

MOTION PASSED unanimously 4-0

Kennedy, Gillette, Warner , Schwengel

**9. Future Agenda Items**

- Personnel Matters – Executive Director Hiring
- Dr. Grout inquiry
- Dr. Mikles inquiry
- Dr. Shacket inquiry

**10. Call to the Public**

No members of the public were present

**11. Review and Discussion and Action on Future Meeting Dates**

None

**12. Adjournment**

The meeting adjourned at 2:35 p.m. following a motion by Mrs. Gillette. The motion was seconded by Mr. Kennedy and passed with a unanimous vote.

Respectfully Submitted,

Christine Springer  
Executive Director