

Arizona State Board of Homeopathic and Integrated Medicine Examiners

Regular Meeting Minutes

November 13, 2012

I. Call to Order, Roll Call

Presiding officer, Dr. Todd Rowe, called the meeting to order at 9:00 a.m. noting the following board members were present:

Present:

Todd Rowe, MD, MD(H)
Martha Grout, MD, MD(H)
Don Farris
Mary Ackerley, MD, MD(H)
Dr. Les Adler, MD, MD(H)
Alan Kennedy

Mona Baskin, Assistant Attorney General, Christine Springer, Executive Director, and members of the public were also present.

II. Review, Consideration, and Action on Minutes

Regular Meeting Minutes – September 11, 2012

Dr. Grout made a motion to approve the regular minutes. Mr. Farris seconded the motion that passed unanimously.

Teleconference Meeting Minutes – October 17, 2012

Dr. Rowe made a motion to approve the teleconference minutes. The motion was seconded by Dr. Grout and passed with a unanimous vote.

III. Review, Consideration and Action on Applications

A. Physicians

Barry Malina D.O.

The Board considered the application of Dr. Malina, who was present for the meeting and responded to questions. Mrs. Springer informed the members that Dr. Malina had passed the written examination and that documentation filed in support of his application was complete. She indicated he had provided proof of completion of 293.5 hours of post graduate education in osteopathic and neuromuscular integration therapies as well as 40 hours in a course of classical homeopathy.

Board members invited Dr. Malina to the podium and inquired about his prior work experience and his interest in homeopathic medicine. Following a short question and answer session Dr. Adler made a motion to approve the application. Mr. Farris seconded the motion that passed unanimously.

B. Medical Assistants

Esperanza Lopez

Following a brief discussion concerning an application for homeopathic medical assistant filed by Ms. Lopez, the Board pended the application and requested that Mrs. Springer obtain a more precise description of the type of EAV device Ms. Lopez would be operating and a more thorough description of her job duties related to the provision of Chelation therapy under Dr. Geoffrey Radoff's supervision.

The Board took a short break at 11:55 a.m. to give Mrs. Springer time to contact Dr. Radoff for the information. Shortly after 12:05 p.m. Mrs. Springer returned to the meeting and reported she had been successful in contacting Dr. Radoff for the requested information which she provided to the Board for their review.

Following a brief discussion of the job description relating to the EAV device and Chelation therapy, Dr. Rowe made a motion to approve the application. Dr. Grout seconded the motion that passed with a majority vote 5 – 0. (Farris not present)

Alexis Orosco

Dr. Grout recused herself from this discussion and sat in the audience. Mrs. Springer briefed the members regarding Ms. Orosco's educational qualifications and expected duties under Dr. Grout's supervision. She noted the application was complete.

Dr. Ackerley made a motion to approve the application filed by Ms. Orosco. Mr. Kennedy seconded the motion that passed unanimously 5 – 0. (Grout recused)

IV. Review, Consideration and Action on Complaints and Investigations

A. Review, Discuss – Tracking Log Notification of New Complaints Filed

Case No. 12-2 Brian Briggs, MD(H) Self Report A.R.S. 32-2915(I)

Mrs. Springer informed the Board that a renewal application had been received September 4, 2012 from Dr. Brian Briggs, MD(H), license number 060 in which he had reported an action taken against his medical license in the State of North Dakota. Dr. Briggs also included a copy of the order issued by the North Dakota Medical Board. Mrs. Springer further stated Dr. Briggs, who is 83 years old, had suffered a serious fall shortly after filing his Arizona renewal form, which created a serious disability and forced him to re-evaluate any plan to relocate to Arizona. Subsequently Dr. Briggs changed his mind regarding the retention of his Arizona homeopathic license and that he verbally requested the return of his renewal fees and the expiration of his Arizona license. She explained that since he had disclosed an action against the medical license in North Dakota, she was obliged under *A.R.S. § 32-2915(J)* to obtain a written statement from him admitting to the violations (in the other state) in writing and then his renewal fees could be returned.

Mr. Farris questioned Mrs. Springer about Dr. Briggs' current license status in Arizona. Mrs. Springer indicated his homeopathic medical license was suspended pending review of the North Dakota action.

Assistant Attorney General Baskin addressed the Board concerning the impact of *A.R.S. § 32-2915(J)* and how it would affect the review of Dr. Briggs' Arizona license

Dr. Rowe made a motion to open an investigation and offer Dr. Briggs a consent agreement based on potential violations of A.R.S. § 32-2933 (6), (18), and (20). Dr. Grout seconded the motion that passed unanimously.

Roll call: 6 – 0 to open an investigation and offer a consent agreement for voluntary surrender

Rowe, Farris, Ackerley, Adler, Kennedy, Grout

B. Ongoing Cases

Case No. 11-11 Thomas Lodi, MD(H) – A.Y.

Following a brief report from Mrs. Springer about the progress of the substance abuse evaluation the Board had directed Dr. Lodi to complete, Stephen Myers requested an opportunity to address the Board. He apologized for the delay in providing the evaluation to the Board and indicated he had received a preliminary report from Dr. Sucher which indicated that in his opinion, Dr. Lodi was safe to practice homeopathic medicine. Mr. Myers promised a full report would be available to them by the end of the week.

Dr. Rowe thanked Mr. Myers and proposed with the Board's agreement, that staff move forward with preparation of a consent agreement and order. He requested that Dr. Sucher's recommendation that Dr. Lodi complete a prescribing course be included in the order portion of the agreement along with recognition that Dr. Lodi had already completed two other courses relative to boundary issues and appropriate recordkeeping. He directed the Board's and Mrs. Springer's attention to the meeting discussion of July 11, 2012 and indicated that the professional conduct violations discussed at that meeting be included in the conclusions of law. Dr. Rowe also requested that board members receive a copy of the complete evaluation when it becomes available.

Dr. Ackerley stated her concerns about the length of time it took for Dr. Lodi to complete a substance evaluation. She directed her comments and questions to Dr. Lodi, who was present with his attorney, and asked why he had gone to Thailand when he knew he had an evaluation pending. Dr. Lodi responded that he had inadvertently failed to mention the trip to Thailand at the July 11, 2012 board meeting and noted that the trip had been planned for some time and was not a spur of the moment act.

Mr. Kennedy asserted he had the same concerns as Dr. Ackerley and expressed his disappointment that the substance evaluation had been delayed due to the trip to Thailand, noting that it would have been prudent for Dr. Lodi to have informed the board back in July that he had a previously scheduled commitment to be in Thailand.

Dr. Rowe commented that staff should prepare the consent agreement and order, present it to Dr. Lodi for signature, and the Board should plan to meet by phone in two weeks to consider the agreement.

At 10:30 a.m. the Board took a ten minute break and returned to the regular meeting at 10:40 a.m.

Case No. 11-03 Frank Lobacz, MD(H)

The Board continued this matter to the next regular meeting after Mrs. Springer informed them of the ongoing hospitalization of Dr. Lobacz. She indicated that no final sentence had been imposed by the court and that the matter had been continued.

Case No. 11-09 David Korn, DO, MD(H)

Following review of revised informed consents submitted on behalf of Dr Korn by his attorney, the Board acknowledged that the informed consents and protocols for Insulin Potentiated Antibiotic with Chelidonine (IPAC) and Genetically Targeted Fractionated Chemotherapy (GTFC) were compliant with the intent of AAC R4-38-111 regarding Experimental forms of Diagnosis and Treatment. The Board also acknowledge that Mr. Brian Harrison had withdrawn his application for homeopathic medical assistant and that responsibilities related to the provision of alternative therapies would be provided by individuals currently registered as homeopathic medical assistants or as a registered nurse.

Dr. Rowe made a motion to dismiss the complaint noting, for the record, that the Board's previous review completed on March 13, 2012 had found no violations related to the provision of care to C.H. Mr. Kennedy seconded the motion that passed unanimously in a roll call vote.

Roll Call: 6 – 0 to dismiss and close case

Rowe, Farris, Kennedy, Adler, Ackerley, and Grout

V. Review, Consideration and Action on Previous Board Orders

Charles Crosby, MD(H) Quarterly Report

Board members reviewed the information submitted on behalf of Dr. Crosby and noted that he was compliant with the terms of his consent agreement and order.

Stanley Olsztyn MD(H) Compliance Status

Discussion of this agenda item was continued to the next regular meeting.

VI. Review, Consideration and Action on Rules, Legislation, Substantive Policy Statements

A. Legislation – Review, Consideration , and Action

1. Board members reviewed a draft proposal amending A.R.S. § 32-2914, relating to removing fee caps from the list of fees charged by the Board. Board members requested that the association be kept up to date as the bill progresses through the legislature. They also requested that Mrs. Springer post the bill and fact sheet on the public web site.

2. Chiropractic Association Sunrise to include homeopathy in scope of practice.

Dr. Rowe noted that Patrice Pritzl, Executive Director of the State Board of Chiropractic Examiners was present and observing the discussion. Ms. Pritzl informed the members that her Board would meet on November 14, 2012 to discuss the proposed Chiropractic Association Sunrise legislation.

Dr. Rowe commented that the Homeopathic/Integrated Medicine Association (AHIMA) had worked over the last year with the Chiropractic Association to build a strong dialogue regarding the educational requirements proposed in the legislation. Despite many areas of agreement the amount of educational training related to intravenous and intramuscular injection therapy was of concern and insufficient with regard to the number of training hours indicated in their proposed bill.

Mr. Kennedy suggested a meeting with the Chiropractic Association to express some of the Board's concerns, particularly as the focus was to protect the public. He indicated he had concerns with the way in which the legislation was written.

The Board requested that Mrs. Springer speak to the legislative committee chairmen about the Board's concerns and public safety.

VII. Review, Consideration and Action on Professional Business

1. Discussion/clarification regarding hcg and ha2cg

This matter came to the attention of the board after Dr. Kenneth Woliner, a Florida physician sent correspondence to the board expressing his concerns relating to Ha2cg. Dr. Woliner noted that Ha2cg is not listed in the *Homeopathic Pharmacopeia (HPUS)* and that the FDA had issued a notice asking manufacturers to stop making it. He was concerned that Arizona homeopathic practitioners should not offer the substance to their patients.

The Board discussed the matter. Dr. Rowe questioned whether Ha2cg would be included in the ban. Further, he noted that there are many homeopathic substances not yet in the HPUS which currently lists over 3800 substances. He commented that the American Medical College of Homeopathy has submitted Hcg to the *HPUS* for their review, but that Ha2cg is pending submittal by its manufacturer, DesBio.

Regarding the Board's review of an informed consent for Ha2cg, previously submitted by Dr. Bruce Shelton, Dr. Rowe indicated that Dr. Shelton had complied with the Board's rules relating to the filing of informed consents that may be experimental as required under board rules in *A.A.C. R4-38-111*.

Board members requested that Ms. Springer contact the FDA and ask for further clarification on homeopathic Ha2cg and derivatives.

2. This agenda item regarding informed consents filed by Dr. David Korn for Insulin Potentiated Antibiotic with Cheliodonine (IPAC) and Genetically Targeted Fractionated Therapy (GTF) was considered and discussed under agenda item number IV. B., Case No. 11-09.

3. A brief review and discussion ensued concerning an application filed by Healthy Medicine Academy for approval of a continuing education seminar entitled *Integrative Cancer Medicine: Clinical Applications of Cancer Strategies*, to be held April 26-29, 2013. Dr. Rowe made a motion approving the application for 34 continuing education hours. Dr. Grout seconded the motion that passed unanimously.

4. Mrs. Springer reported that the Department of Health Services rules are inconsistent regarding who can certify and attend to patients in Arizona hospitals, home care agencies, and hospice settings. Some of the rules in specific settings recognize homeopathic physicians and others do not.

The Board directed Mrs. Springer to correspond with the director of the Arizona Department of Health Services and inform him of the inconsistencies.

5. Mrs. Springer gave the Board an update regarding the number of medical marijuana patient certifications provided by homeopathic physicians in the last year. She

indicated there had been 17 medical marijuana prescriptions provided by two homeopathic physicians.

VIII. Review, Consideration and Action on Other Business

1. Executive Director Financial Report

Mrs. Springer indicated that as of October 31, 2012 the Board had total expenses of \$27,982 with an ending cash balance of \$13,769. She stated that she had shifted to a 19.5 hour work schedule and that the work load on that schedule was challenging, but not impossible. She indicated that the upcoming legislative session would be quite busy given the fee bill proposed by the Board and the sunrise application of the Chiropractic Association.

2. Mrs. Springer directed Board member attention to the strategic plan. There was no specific discussion of the information.

IX. Status Report on Reduced Work Hours

This matter was discussed with agenda item VIII., item number 1.

X. Call to the Public

No members of the public were present to address the board.

XI. Future Agenda Items

- Status of the Homeopathic Doctor Examination
- HCG and Ha2cg and the FDA position
- Compliance Report – Dr. Stanley Olsztyń
- Status of Chiropractic Association Sunrise
- Status of Homeopathic Board Fee Legislation
- Status of Department of Health Services regulations regarding recognition of MD(H) licensees in health care facilities
- Dr. Thomas Lodi consent agreement

XII Future Meeting Dates

Board members will be contacted to determine a date to review Dr. Lodi Consent Agreement

Adjournment

The meeting adjourned at 12:06 p.m. following a motion by Dr. Grout. The motion was seconded by Dr. Adler and passed with a unanimous vote. The next Regular Meeting of the Board will convene at 1400 W. Washington, in Conference Room B-1, Phoenix, Arizona, at 9:00 a.m. on January 8, 2013.

Respectfully Submitted,

Christine Springer
Executive Director

Approved in Regular Meeting on March 12, 2013