

Arizona State Board of Homeopathic and Integrated Medicine Examiners

Regular Meeting Minutes

July 9, 2013

I. Call to Order, Roll Call

Presiding officer, Dr. Todd Rowe, called the meeting to order at 9:10 a.m. noting by roll call the attendance of the following board members:

Present:

Todd Rowe, MD, MD(H)
Don Farris
Mary Ackerley, MD, MD(H) (present by telephone)
Dr. Les Adler, MD, MD(H)
Alan Kennedy (arrived 9:12 a.m.)
Bruce Shelton, MD, MD(H)

Mona Baskin, Assistant Attorney General and Christine Springer, Executive Director were also present. Members of the general public were also in attendance.

II. Board Member Appointments

A. Mrs. Springer informed board members of the status of pending board appointments. She noted that there had been no action taken regarding reappointment of Dr. Adler; nor had she received word from the Governor's Office regarding new appointees to replace Dr. Ackerley and Mr. Farris. Mrs. Springer commented that many boards were awaiting appointments and that the close of the legislative session should see an increase in confirmation activity.

B. Mr. Farris made a motion nominating Dr. Shelton to the position of Vice President. Dr. Rowe seconded the motion and Dr. Shelton stated he would be pleased to serve.

Roll call vote to appoint Dr. Shelton to the Vice President position
6 – 0 Aye: Ackerley, Kennedy, Rowe, Shelton, Farris, Adler

III. Review, Consideration, and Action on Minutes

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This agenda item tabled to the next regular meeting.

IV. Review, Consideration and Action on Applications

A. Medical Assistants

Cheryl Huey

Dr. Shelton recused himself from discussion of this matter.

Mrs. Springer provided an overview of the applicant's credentials and indicated the documentation was administratively complete. Dr. Rowe moved to approve the application and Mr. Farris seconded the motion.

Roll call vote to approve the application
5-0 Aye: Rowe, Ackerley, Kennedy, Farris, Adler

Dr. Shelton recused

Margo Sands

Dr. Shelton recused himself from discussion of this matter.

Mrs. Springer indicated that the applicant's credentials and documentation were administratively complete. Dr. Rowe moved to approve the application and Mr. Kennedy seconded the motion.

Roll call vote to approve the application

5-0: Rowe, Ackerley, Kennedy, Farris, Adler

Dr. Shelton recused

Rachel Tomb

Mrs. Springer presented an overview of the documentation submitted by Ms. Tomb's supervisory physician, Dr. David Korn. She reminded board members of their May request for additional information concerning Ms. Tomb's job description and work history. Noting that the applicant met educational requirements, Dr. Shelton made a motion to approve the application. Mr. Kennedy seconded the motion that passed unanimously in a roll call vote.

Roll call to approve the application

6-0: Rowe, Shelton, Ackerley, Kennedy, Farris, Adler

B. Physicians

Ankit Chander M.D.

Mrs. Springer provided an overview of Dr. Chander's medical education and post graduate education. She informed them that Dr. Chander successfully passed the written examination and held a license in Maryland as an M.D. that is active and in good standing. Board members invited Dr. Chander to the podium and questioned him on his medical practice experience and plans for the homeopathic medical license. Board members inquired about the three month preceptorship he completed with Dr. Tennant in Irving, Texas. Dr. Chander explained the program and noted his coursework in orthomolecular medicine, nutrition, electro-diagnosis and electro therapy. Dr. Chander also noted his interest in integrative medicine and indicated he was a member of the American Board of Integrative Holistic Medicine.

Dr. Rowe moved to approve the application. Dr. Ackerley seconded the motion and the motion passed unanimously in a roll call vote.

Roll call to approve the application

6-0 Rowe, Ackerley, Kennedy, Farris, Adler, Shelton

V. Review, Consideration and Action on Complaints and Investigations

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

There were no items for discussion under this agenda item.

B. Ongoing Cases – Review, Consideration and Action

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

Mrs. Springer informed the board that the US District Court in New York – Eastern Division had set back sentencing to July 17, 2013. No other discussion was held.

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Case No. 13-04 Martha Grout, MD, MD(H)

Mrs. Springer informed the board that the Arizona Medical Board had met in regular meeting on June 6, 2013 and voted to seek primary jurisdiction to conduct the investigation in the case.

Dr. Rowe made a motion to appoint Dr. Bruce Shelton to represent the Board in this matter before the arbitration panel. Dr. Shelton disclosed that he had worked with the Arizona Medical Board appointee, Dr. Magalnik, on a professional level in the past and that although he knew him personally, he would not be biased in serving on the jurisdiction arbitration panel.

At 10:00 a.m. Mr. Farris made a motion to adjourn to executive session for legal advice pursuant to A.R.S. 38-431.03(A)(3). Dr. Ackerley seconded the motion that passed unanimously.

The board returned to the regular meeting at 10:15 a.m.

Dr. Rowe reiterated his motion to appoint Dr. Shelton to serve as the board's representative to the jurisdiction arbitration panel. Mr. Farris seconded the motion.

In the ensuing discussion Mr. Farris revisited the question of whether Dr. Shelton's prior business and continuing personal relationship with Dr. Magalnik would create a conflict in serving on the panel. Dr. Shelton indicated he did not have a bias.

AAG Baskin disclosed that she and the legal representative assigned to serve as the Arizona Medical Board's legal representation were colleagues, but that there was no bias regarding her ability to fairly and impartially serve as the board's legal representative to the arbitration panel.

Motion: to appoint Dr. Bruce Shelton and AAG Baskin as the Board's representative s to the arbitration panel.

Roll Call

Aye: Kennedy, Ackerley, Shelton, Farris, Adler, Rowe

6 – 0

Case No. 13-03 Abram Ber MD(H)

This agenda item was tabled to the next regular meeting.

(The Board members adjourned for a short break at 10:20 a.m. and returned to the meeting at 10:30 a.m.)

VI. 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 his compliance with the terms of his consent agreement and order.

Thomas Lodi, MD(H) Status of Compliance

Mrs. Springer noted Dr. Lodi's compliance with regard to the timeliness of the 60 day reports as required in the consent agreement terms. Following a brief clarification noting the Board's request to include medication sheets with the records, Mrs. Springer indicated she would notify Dr. Lodi's attorney of the change.

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

A. Legislation – Review, Consideration , and Action

1. There was a brief discussion of the Board's intention to seek legislation to increase fee caps in A.R.S. § 32-2914. Various suggestions were discussed regarding the most direct strategy to accomplish this task.

VIII. Review, Consideration and Action on Professional Business

1. A revised draft of a substantive policy regarding Telemedicine was deferred to the next regular meeting to allow time for additional research by the AAG concerning statutory requirements for substantive policy statements.

2. The Board discussed the importance of clarifying reference materials related to the written examination. Dr. Shelton commented that he had received feedback from prospective examinees that they had little reference material to access to prepare for the written examination and were unclear about what they should study. He also commented that few individuals, including Board members, had viewed the examination and in his view, this was a concern because without some idea of what subject was on the test, study materials would be difficult to prepare.

Dr. Ackerley commented that it would be helpful for a syllabus and study guide to be provided to all applicants.

Board members requested that the executive director obtain a copy of the examination study guide for the American Board of Integrative Holistic Medicine. They also proposed a subcommittee that would be responsible for preparing a bullet point list of each general topic on the examination. Mrs. Springer and Dr. Shelton were appointed to the subcommittee.

3. After a brief discussion, Dr. Shelton confirmed he had made previously suggested changes to his revised informed consent for EDTA Chelation Therapy. The Board agreed that the form did not have to return for further consideration as long as suggested changes had been incorporated.

4. The board discussed options regarding how to encourage greater compliance with licensees regarding registration of their homeopathic medical assistants. Mrs. Springer was directed to prepare a letter to licensees informing them of the law.

IX. Review, Consideration and Action on Other Business

1. Executive Director Financial Report

Mrs. Springer indicated that at the end of June, 2013 the Board had total expenses of \$86,291 with an ending cash balance of \$14,098. Revenue collections were \$91,012.

2. Staffing Level Report – tabled to next regular meeting

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X. Call to the Public

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

XI. Future Agenda Items

Telemedicine Policy
Examination Preparation Syllabus
Staffing level in Board Office
Five Year Review

XII Future Meeting Dates

Regular Meeting September 10, 2013

Adjournment

The meeting adjourned at 11:50 a.m. following a motion by Dr. Shelton. The motion was seconded by Mr. Farris and passed unanimously. 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 September 10, 2013.

Respectfully Submitted,

Christine Springer
Executive Director

**Minutes were reviewed and approved by the Board at the Regular Meeting held
September 10, 2013**