

Arizona State Board of Homeopathic and Integrated Medicine Examiners

TELECONFERENCE MEETING

October 23, 2013

Minutes

I. Call to Order and Roll Call

Presiding officer, Dr. Todd Rowe, called the meeting to order at 9:03 a.m. and the following board members responded to the roll call by telephone.

PRESENT

Todd Rowe, MD, MD(H)

Les Adler, MD, MD(H)

Don Farris

Mary Grace Warner, MD, MD(H)

Bruce Shelton, MD, MD(H)

Alan Kennedy

Mona Baskin, Assistant Attorney General, was present by telephone for the meeting. Mr. Steve Myers, Esquire and Dr. Martha Grout were also present on the telephone.

Christine Springer, Executive Director was present at the meeting location within the State Board's Office located at 1400 West Washington, Room 230, Phoenix, Arizona. Members of the public were present during various parts of the meeting agenda.

II. Review, Consideration and Action on Complaints and Investigations

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

Board member Kennedy asked Assistant Attorney General Baskin to provide a brief overview of the discussion held during the Jurisdiction Arbitration Committee meeting. Mrs. Baskin described the arbitration panel process and explained that in the discussion, each medical board had presented their reasons relating to why they should conduct the primary investigation. The judge considered the arguments and documentation presented by each board and voted to grant jurisdiction relating to conducting the investigation to each board.

Mrs. Baskin indicated the informed consent referenced both allopathic and homeopathic medical treatment and was a consideration relative to jurisdiction by each medical board.

Mr. Stephen Myers inquired if he could speak to the Board. Dr. Rowe indicated his consent and Mr. Myers requested confirmation in writing that the Arizona Medical Board would be willing to share concurrent investigative materials. AAG Baskin indicated she would contact the arbitrator to reduce this request to writing for everyone's understanding.

Mr. Kennedy inquired if the police report would become part of the investigation when available. AAG Baskin indicated that it should be made part of the documentation.

Dr. Rowe directed the Board's attention to the choice of a medical investigator. Dr. Shelton suggested three names and Dr. Rowe indicated he would be more comfortable appointing a primary investigator and stated that Dr. Edward Kondrot, MD, MD(H) would be very knowledgeable since his primary practice is in ophthalmology. Dr. Shelton indicated that Dr. Garry Gordon is very knowledgeable about laetrile therapy and would be a strong resource related to that particular therapy.

Dr. Warner indicated she may have a personal reason to recuse from the case and at this point left the meeting.

Mr. Farris inquired if any other board members felt they should recuse. Drs. Adler, Shelton, Rowe, Mr. Kennedy and Mr. Farris all indicated they had no bias with regarding to consideration of the case.

Dr. Rowe requested that Mrs. Springer contact Dr. Kondrot and Dr. Gordon to assess their willingness and availability to serve as an investigator in the case. Dr. Shelton made a motion directing Mrs. Springer to contact Drs. Kondrot and Gordon to determine if they would have time available to serve as the medical investigator in the case. Dr. Rowe seconded the motion.

After discussion, Dr. Shelton amended the motion to direct Mrs. Springer to also contact Dr. Ruth Lim MD, MD(H) to determine if she would be available to serve as a pediatric consultant in the case. Dr. Rowe seconded the motion that passed with a majority vote in a roll call as follows:

Aye 5 - 0: Dr. Adler, Dr. Shelton, Dr. Rowe, Mr. Kennedy, Mr. Farris

Dr. Warner was not present

Dr. Rowe asked the board to consider whether Dr. Grout should be offered an interim voluntary stipulated agreement to not provide Laetrile therapy. AAG Baskin indicated she had not viewed the document.

Mr. Myers requested an opportunity to speak. He noted that Dr. Grout no longer had Amygdalin (Laetrile) in her possession and had not ordered any additional stock. He commented that he did not see an imminent danger to the public and stated he would advise his client not to sign the voluntary agreement.

Mr. Kennedy encouraged board members to consider conditionally offering Dr. Grout the voluntary agreement after AAG Baskin had an opportunity to review it. He was concerned that the agreement was necessary for the public protection and that the Board's previous association with Dr. Grout should not sway their consideration of their request to have Dr. Grout enter into an agreement.

Mr. Myers noted that the language of the agenda was "whether" the Board should request the physician to enter into an agreement.

Mr. Kennedy made a motion to offer the voluntary agreement to Dr. Grout.

AAG Baskin requested that the Board pend the matter until she had an opportunity to review the proposed agreement.

Mr. Kennedy made a motion to table the matter until Mrs. Baskin has an opportunity to review the document. Dr. Shelton seconded the motion. A roll call vote to pend the matter until the AG has an opportunity to review the agreement was held .

Aye 5 - 0: Dr. Adler, Mr. Kennedy, Mr. Farris, Dr. Shelton and Dr. Rowe
Dr. Warner was not present.

III. Future Agenda Items

Voluntary Agreement with Dr. Grout

IV. Call to the Public

No members of the public request to speak.

VI. Future Meeting Dates

November 12, 2013 Regular Meeting

VII. Adjournment

The meeting adjourned at 9:46 a.m. following a motion by Dr. Shelton and a second by Dr. Rowe. Motion passed unanimously.

Respectfully Submitted,

Christine Springer
Executive Director

Board Approved in Regular Meeting on 1 – 14- 2014