

Arizona State Board of Homeopathic and Integrated Medicine Examiners

TELECONFERENCE MEETING

December 11, 2012

Minutes

I. Call to Order and Roll Call

Presiding officer, Dr. Todd Rowe, called the meeting to order at 9:10 a.m.

The following Board members were present and responded by telephone during the roll call:

Todd Rowe, MD, MD(H)

Don Farris

Les Adler, MD, MD(H)

Martha Grout, MD, MD(H)

Mary Ackerley, MD, MD(H) (joined the meeting at 8:50 a.m. by telephone)

Alan Kennedy

Christine Springer, Executive Director, and Mona Baskin, Assistant Attorney General, were also present at the meeting location within the State Board's Office located at 1400 West Washington, Room 230, Phoenix, Arizona.

II. Review, Consideration and Action on Complaints and Investigations

Mrs. Springer reviewed the Board's findings of fact in the proposed consent agreement and order as follows:

- 1) Paragraphs 3 – 8 of the findings of fact reflect the board's concerns with Dr. Lodi's inter-personal relationship with A.Y., his supervision of staff, and record keeping. These findings relate to a unprofessional conduct described in A.R.S §§ 32-2933(A) (19), (34) and (20).
- 2) Paragraph 9 of the findings of fact reflect concerns about Dr. Lodi's use of the M.D. professional title and a potential violation of ARS 32-2933(A)22 and 29 relative to advertising on his websites.
- 3) Paragraph 10-13 of the findings of fact reflect the completion of the Pace Record Keeping Course and the Professional Boundaries Course, and indicate he must submit to an evaluation by an addictionologist and complete a Pace Prescribing Course.
- 4) The Order will reflect one year probation, completion of the Pace Prescribing Course within 6 months of signing the order, bear all costs, and notify the Board if he should move out of state or cease practice in Arizona.

Following Mrs. Springer's review, Dr. Rowe commented that he wanted to ensure a clear recital of the order section of the consent agreement showing Dr. Lodi's completion of the Pace boundary and record keeping courses.

Additionally, Dr. Rowe commented that the order should clearly require Dr. Lodi's compliance with the proper usage of the M.D. designation and Arizona law concerning the use of the M.D.(H) designation, since he does not hold an Arizona M.D. license.

Finally, he was concerned that with regard to the order and an audit of Dr. Lodi's record keeping, a review of Dr. Lodi's prescribing of narcotics should also be made a part of the audit requirement. He suggested the audit should occur within no less than six months after completion of the Pace prescribing course and before one year passes.

At this point, the Board considered Mr. Myers proposed changes and Assistant Attorney General Baskin provided her reflections concerning the changes.

Mr. Steven Myers, attorney for Dr. Thomas Lodi, MD(H), joined the meeting at 8:47 a.m. by telephone and was present as board members discussed his request to consider changes to certain parts of the proposed order.

At 8:50 a.m., Dr. Mary Ackerley also joined the meeting by telephone.

A detailed discussion of Mr. Myers' proposals was held. Mr. Myers suggested the addition of a paragraph 10 on page 3 of the order that board members were not fully comfortable with. The change indicated that Respondent did not agree with the findings of fact and conclusions of law.

A discussion was held regarding the contractual status of Dr. Alexander and his care of A.Y. Mr. Myers indicated he had requested that payroll records be prepared by Dr. Lodi's office to show that a contractual relationship did exist between Drs. Lodi and Alexander during the time of A.Y.'s care. Assistant AG Baskin reminded Mr. Myers that only one progress note was present in A.Y.'s file from Dr. Alexander and that payroll records would not speak to the actual care provided to A.Y. since there were insufficient progress notes from Dr. Alexander. Mr. Kennedy and Dr. Ackerley agreed that paragraph 3 of the findings of fact was a statement of fact and not intended to show dishonesty. There was a board consensus to leave paragraph 3 as drafted.

Concerning the care provided to A.Y. by staff physicians, board members discussed and agreed to add language to paragraph 4 of the findings of fact as requested in Mr. Myers' suggested amendments. They did not agree to delete language in paragraph 5 of the findings of fact as requested by Mr. Myers.

Board members considered and declined to consider Mr. Myers' suggested changes to paragraph 9 of the findings of fact concerning Dr. Lodi's use of the designation M.D.(H). They did agree that in the conclusions of law, paragraph 5, they would refer to the rule *AAC R4-38-115* rather than to the statute, A.R.S. §32-2933(A)(22).

Finally, regarding paragraph 2 of the Order, the Board agreed with Mr. Myers' suggested amendments to include the number of credit hours in the descriptions of the continuing education that the Board ordered Dr. Lodi to complete.

Dr. Rowe moved the amendments as discussed. Dr. Grout seconded the motion.

Roll call to approve the amendments discussed:

6 – 0 Aye

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

Mr. Myers disconnected from the phone conference at 9:25 a.m.

III. Review, Consideration and Action On Other Business

No discussion was held on relative to board staffing levels or a financial report

IV. Future Agenda Items

No discussion of future agenda items

V. Call to the Public

No members of the public were present.

VI. Future Meeting Dates

January 8, 2013 Regular Meeting

VII. Adjournment

The meeting adjourned at 9:27 a.m. following a motion by Dr. Adler and a second by Dr. Grout. Motion passed unanimously.

Respectfully Submitted,

Christine Springer
Executive Director

Approved in Regular Meeting on March 12, 2013