

Arizona State Board of Homeopathic and Integrated Medicine Examiners

Minutes of Regular Meeting

March 10, 2009

I. Call to Order, Roll Call

Presiding officer, Dr. Todd Rowe, called the meeting to order at 9:08 a.m.

Roll Call

Present:

Todd Rowe, MD, MD(H)
Don Farris
Martha Grout, MD MD(H)
Les Adler, MD, MD(H)
David Rupley, Jr., MD(H)
Marie Stika

Absent:

Christine Springer and Seth Hargraves, Assistant Attorney General and members of the public were also present.

II. Review, Consideration, and Action on Minutes

Regular Minutes January 13, 2009

Dr. Grout made a motion approving the executive session minutes. Dr. Rupley seconded the motion that passed unanimously.

Five Year Review Committee Minutes, February 24, 2009

Dr. Grout moved to approve the regular meeting minutes. Dr. Rowe seconded the motion that passed unanimously.

Teleconference Meeting Minutes, February 26, 2009

Dr. Grout moved to approve the teleconference meeting minutes. Mr. Farris seconded the motion that passed unanimously.

III. Review, Consideration and Action on Applications

A. Physicians

Krystyna Wolski, M.D.

Mrs. Springer briefed the board on Dr. Wolski's application status noting that she had successfully passed the written examination. Dr. Grout moved to approve the application. Dr. Adler seconded the motion that passed unanimously.

Vote to approve: 6-0

B. Medical Assistants

Alexander Casler

After a short review of the applicant's file, Dr. Grout moved to approve the application. Ms. Stika seconded the motion that passed unanimously.

Shanandoah Korn

At the Board's request Ms. Springer provided information about Ms. Korn's medical assistant training and nursing training. Dr. Grout made a motion to approve the application. Dr. Adler seconded the motion that passed unanimously.

Josephine Tenorio

Dr. Grout recused herself noting that the applicant was employed at her clinic. Mr. Farris began the discussion and stated a concern about a prior DUI. Ms. Stika directed his attention to Ms. Tenorio's statement relating to her successful completion of a required DUI mitigation program. Board members invited Dr. Grout to address them concerning the applicant's work ethic. Dr. Grout stated that as Ms. Tenorio's supervisor she was very aware of the DUI and had not had any difficulties with the applicant regarding her performance.

Assistant Attorney General (AAG) Hargraves stated that homeopathic medical assistants are registered and the physician bears the ultimate responsibility for the assistant's professional conduct. The Board's rules do not require a personal interview in these types of circumstances.

Ms. Stika made a motion approving the application. Dr. Rupley seconded the motion that passed with a majority vote.

Vote to approve: 5-0

Dr. Grout recused

Judy Schmitz, Sybil Ihrig, Mario Fontes, Michele Fanelli, Christian Ewelike

Dr. Rowe recused himself stating that the applicants would participate as students enrolled in the clinical component of the college owned by him. Dr. Grout led the discussion and made a motion approving the applicants. Dr. Rupley seconded the motion that passed with a majority vote.

Vote to approve: 5-0

Dr. Rowe recused

The Board took a ten minute break at this point in the meeting

IV. Review, Consideration and Action on Complaints and Investigations

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

Case No. 09-10 Edward Kondrot, MD MD(H)

Dr. Rowe commented that there were two parts to the complaint and that additional information was necessary to understand what caused the complainant's side effects to occur during her treatment.

Mr. Farris stated that the Arizona Medical Board had completed an investigation into the billing issues and had dismissed the complaint finding no violations. It was his understanding that the Homeopathic/Integrated Medicine Board could not conduct further investigation into this aspect of the complaint. AAG Hargraves confirmed that the billing issue was limited to what the Arizona Medical Board had determined. However, the Homeopathic/Integrated Medicine Board could review the patient care issues and determine if any violations of the practice act had occurred.

Dr. Grout moved to open an investigation into the patient care issue. Mr. Farris seconded the motion.

During discussion Board members requested that Ms. Springer obtain records of the follow-up care sought by the complainant following her treatment with Dr. Kondrot. They requested additional information relative to supplements used and whether or not the micro current treatments would trigger allergic responses.

Following the discussion the Board voted unanimously to open an investigation regarding the care provided to the complainant.

B. Review, Consideration, and Action – Initial Reviews

Case No. 09-04 Thomas Lodi, MD(H)

Case No. 09-05 Thomas Lodi, MD(H)

Pending receipt of the medical investigator's report, these matters were deferred to the next regular meeting.

Case No. 09-08 Gene Schroeder MD(H)

Following a brief presentation by Mrs. Springer regarding patient care related issues noted in the complaint, Dr. Rowe made a motion to open an investigation. Dr. Grout seconded the motion that passed unanimously. The Board requested that the complaint be reviewed by an outside medical consultant.

C. Review, Consideration and Action – Ongoing Investigations

Case No. 09-03 Edward Kondrot MD, MD(H)

At the Board's request Mrs. Springer presented the results of her investigation concerning the alleged release of private patient information by a staff member in front of other patients. She noted that interviews were conducted with staff and other patients present on the day the incident occurred. The allegation was not sustained.

Dr. Rowe moved to dismiss the complaint but requested that a letter be sent to Dr. Kondrot reiterating the Board's concern with the number of complaints received about his staff. He noted that this was the second complaint and that the Board was in receipt of a third complaint (09-10). Dr. Rowe indicated that it is not the Board's business to interfere with the conduct of private business; however, in view of the number of complaints, the Board is concerned. Dr. Adler also expressed his concern about staff issues and the perception that a pattern was developing regarding the administrative functions provided by staff and a patient's satisfaction with the overall treatment.

Following additional discussion about staffing concerns, Dr. Rowe withdrew his first motion and moved to issue a Letter of Concern relating to ARS 32-2933((34) and the supervision of office personnel employed or assigned to the physician. Dr. Grout seconded the motion that passed unanimously.

Vote to issue a Letter of Concern: 6-0
Rowe, Rupley, Grout, Farris, Stika, Adler

D. Review, Consideration, and Action – Tabled Items

Case No. 08-16 L.R. vs. Edward Gogek, MD, MD(H)

The Board reviewed the Arizona Medical Board's investigation and noted the complaint had been thoroughly investigated and dismissed when no violations had been found. Dr. Rowe made a motion to dismiss the complaint. Dr. Grout seconded the motion that passed unanimously.

Vote to dismiss: 6-0

Rowe, Rupley, Grout, Stika, Farris, Adler

V. Review, Consideration and Action on Previous Board Orders

No reports

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

A. Rules

1., 2., and 3.

Mrs. Springer informed the Board that the Governor's moratorium on rulemaking was still in effect and that *A.A.C., Chapter 38, Article 2, Dispensing of Drugs and Natural Substances* was on hold until the moratorium is lifted. *A.A.C., Chapter 38, Article 3*, concerning medical assistants continues to remain on hold for the same reason as well as *A.A.C., Chapter 38, Article 1, General*.

Mrs. Springer stated that she had hired a rule writer to complete the draft of changes to Article 1 since funds were available in this fiscal year. Once the Governor's moratorium is lifted on April 30, 2009 the Board can move forward on these vital rules that provide direction to licensees regarding continuing education requirements.

B. Performance Audit Implementation

A brief discussion of the 18 month report of the Board's implementation of the Auditor General recommendations was held.

VII. Review, Consideration and Action on Professional Business

1. Dr. Grout recused herself from this discussion. The Board reviewed her protocol regarding treatment of chronic inflammation, chronic fatigue and autoimmune disease. At the Board's request, Dr. Grout responded to their questions regarding the treatment protocol. Dr. Rowe requested that the discussion be deferred for additional information about the side effects of clindamycin and minocin as well as a copy of the correspondence Dr. Grout provides to pharmacists when they have questions about the patient's treatment.

2. Mrs. Springer presented a brief update on the status of ongoing talks with the Arizona Medical Board and the Osteopathic Medical Board of Examiners regarding dual jurisdiction policies.

3. Board members agreed that a semi annual newsletter would be beneficial to licensees and the public to present an update of board business. They agreed to publish the

newsletter in September and March with a copy to be made available to licensees and on the website.

4. A protocol concerning hCG Weight Loss Diet filed by Dr. Linda Wright, MD, MD(H) was held until Dr. Wright resumes her active practice.

5. Dr. Grout updated board members about the status of an IRB application for Live Blood Cell Analysis (Dark Field). She indicated that the initial phase 1 study would utilize discarded specimens to determine if there is consistency between specimens. Phase 2 would determine if there were specific clinical markers between blood specimens and phase 3 would review the therapeutic potential for the procedure.

The Board requested that Dr. Grout prepare a policy statement regarding participation in the IRB.

VIII. Review, Consideration and Action on Other Business

1.a. Mrs. Springer gave a brief overview of finances as of February 28, 2009. She stated that the current appropriation balance is \$41,728 from the total \$117,300 appropriation. \$77,112 has been expended.

IX. Call to the Public

No comments were received from the public

X. Future Agenda Items

Darkfield Analysis IRB Policy . Dr. Grout
Legal Opinion relating to whether Board may require information relative to criminal conduct in medical assistant applications
Energy Medicine . consider adding as a recognized modality of practice
Chelation peer review
Website changes
Consideration of expansion of board substance abuse and treatment rehabilitation program to include mental health status

XI. Future Meeting Dates

A meeting to schedule a chelation peer review .

XII. Adjournment

The meeting adjourned at 12:20 p.m. following a motion by Mr. Farris. The motion was seconded by Dr Grout and passed unanimously. The next Regular Meeting of the Board will convene at 1400 W. Washington, in the Conference Room located in Conference Room B-1, Phoenix, Arizona, at 9:00 a.m. on May 12, 2009.

Respectfully Submitted,

Christine Springer
Executive Director

Approved in Regular Meeting on May 12, 2009