



# State of Arizona Naturopathic Physicians Medical Board

“Protecting the Public’s Health”

1740 W. Adams, Ste. 3002 • Phoenix, AZ 85007 • Telephone 602-542-8242

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## Douglas A. Ducey – Governor

Dr. Bruce Sadilek, ND – Chair, Dr. Brian J. Popiel, ND – Vice Chair, Karen Tibbitts – Secretary/Treasurer

Diva Galan – Public Member, Vacant – Public Member

Dr. Tam Spat – Physician Member, Dr. Daniel Rubin – Physician Member

### BOARD MEETING MINUTES

Thursday, April 11, 2019 • 12:30 p.m. • Board Room C

1740 W. Adams Phoenix, AZ 85007

#### 1. CALL TO ORDER BY PRESIDING OFFICER

A. Roll call of Board members and establishment of a quorum to conduct meetings.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	Vacant	RUBIN	SPAT
Present	5	x		x			x	x
Absent	1				x			
Vacant	1					x		

B. Acknowledgement of presence of Board staff and legal counsel.

Dr. Sadilek acknowledged Ms. Sabrina Khan, Assistant Attorney General, and Ms. Gail Anthony, Executive Director.

#### 2. DECLARATIONS OF CONFLICTS OF INTEREST

None.

#### 3. CIVILITY STATEMENT

Dr. Sadilek read the civility statement into the record.

#### 4. CONSENT AGENDA – REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPROVAL OF THE FOLLOWING APPLICATIONS.

A. Naturopathic Medical License by Examination

Anderson, Erin (temporary license issued in accordance with A.R.S. § 32-1522.01)

Doyle, Kimberly (temporary license issued in accordance with A.R.S. § 32-1522.01)

Golay, Kira

Habashy, Jennifer (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Hammer, Angie (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Ibarra, Nallely (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Jones, Greg (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Karbon, Chelsea (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Kelemen, Ramona (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Matijevic, Dejan (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Mosley, Mariah (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Nave, Gaynel (temporary license issued in accordance with A.R.S. § 32-1522.01)  
O'Connell, Rachael (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Patel, Dharti (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Pinazza, Anthony (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Quart, Kendra (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Rickard, Elizabeth (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Schneller, Katherine (temporary license issued in accordance with A.R.S. § 32-1522.01)  
St. Clair, Julia (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Trahan, Sarah (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Turner, Jessica (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Watkins, Olivia (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Walton, Karissa (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Wirth, Alexxa (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Wise, Justin (temporary license issued in accordance with A.R.S. § 32-1522.01)

B. Naturopathic Medical License by Endorsement

Bender, Karen (temporary license issued in accordance with A.R.S. § 32-1522.01)

C. Initial Certificate to Dispense

Anderson, Erin  
Hammer, Angie  
Jones, Greg  
Matijevic, Dejan  
Nave, Gaynel  
O'Connell, Rachael  
Pinazza, Anthony  
St. Clair, Julia  
Turner, Jessica  
Walton, Karissa

D. Reinstatement Certificate to Dispense

Darragh, Angela

E. Renewal Certificate to Dispense

De Graaff, Sonja  
Huston Myles, Stephanie

F. Initial Certificate to Engage in a Preceptorship Training Program

Fuller, Michelle

Poulin, Corrine

- G. Initial Certificate to Engage in a Clinical Training Program  
Elbert, Shali  
Patel, Swikar  
Kaushik, Nidhi

- H. Renewal Certificate to Engage in a Clinical Training Program  
Powell, Cody

**CONSENT AGENDA VOTE :** Dr. Rubin made a motion to approved the consent agenda items 4 A- H. Seconded by Ms. Tibbitts. Roll Call: Dr. Rubin; Aye, Dr. Spat; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts, Aye. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	Vacant	RUBIN	SPAT
Yes	5	x	x	x			x	x
No	0							
Abstain	0							
Absent	1				x			
Recused	0							
Vacant	1					x		

**5. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE FOLLOWING BOARD CASES.**

**A. Dr. Meghana Thanki, Case No. 19-111 – Initial Review**

Dr. Thanki was present, along with her Attorney Jerry Chesler. Ms. Anthony presented a summary of the case, stating the complaint was opened based on the results of an audit performed by the Arizona Department of Health Services (DHS) and the Arizona Pharmacy Board. During the audit, it was discovered Dr. Thanki certified 155 patients for medical marijuana from January 1, 2018 through June 30, 2018. However, Dr. Thanki only accessed the State of Arizona Prescription Monitoring Board Database (PMP) 113 times. Records for 5 patients certified by Dr. Thanki between February 1, 2018 through April 30, 2018 were randomly subpoenaed. All 5 patients had been seen by Dr. Evan Price, D.C. the same day, and just prior to the appointment with Dr. Thanki. For all 5 patients reviewed, Dr. Thanki signed and submitted the medical marijuana certification forms to DHS, attesting she had reviewed the PMP prior to certifying when she had not. For all 5 patients, Dr. Thanki charted almost identical vitals, and certified them for medical marijuana based on a diagnosis of pain.

Mr. Chesler addressed the Board, stating this case did not result in patient harm, Dr. Thanki acknowledged her failure to check the PMP during January through June of 2018, and that she had voluntarily discontinued certifying for medical marijuana pending the outcome of the Board case. Mr. Chesler summarized his continued involvement in the medical marijuana movement, and the history of the medical

marijuana act.

Dr. Rubin stated that the Board is well versed on the background and the issues of medical marijuana, that there is still a law and procedure for a physician using their naturopathic medical license to certify. Dr. Popiel stated that the concern is not so much the medicine but how we got the medicine.

Mr. Chesler began again, addressing the history of Medical Marijuana Act. Dr. Sadilek stated it would help the matter along if Mr. Chesler were to address the matters of the case.

Mr. Chesler stated this is not a patient issue or issue of evaluating patients for their health, this is certifying for the state.

Dr. Rubin asked Respondent how many medical marijuana patients she sees each week. Dr. Thanki stated she as a medical marijuan practice and a naturopathic practice, and that they are separate. Dr. Thanki stated she sees an average of 5 certification patients a week, and about 40 patients a month for naturopathic.

Dr. Popiel asked Dr. Thanki how the certification processes worked between her and Dr. Price.

Dr. Thanki stated if the patient did not have prior medical records, she referred then to Dr. Price for evaluation. Dr. Sadilek asked if she would confirm the diagnosis through a physical examination. Dr. Thanki stated she would.

Dr. Popeil asked Dr. Thanki if she agreed with the statement provided in her response, that potentially blood pressures charted could be plus or minus 10 points. Dr. Thanki stated she uses a manual blood pressure cuff, and if the reading is between 120 and 130, she will chart somewhere in the middle. Dr. Popiel stated rounding out is not the best practice on blood pressures.

Dr. Popiel commented she evaluated patients for pain, but it doesn't look like she did anything to actively treat their pain, just certified.

Dr. Thanki stated she checked the box, on the certification, stating she checked prior records.

Dr. Rubin stated that is not in her chart, and that you need to document everything you do.

Respondent asked how would she have known that is how it is supposed to be done. Dr. Rubin addressed her stating, as a licensed physician something you were supposed to learn in school is minimum level competency in a charting. And that anything used to make your diagnosis needs to be included in the charting.

Dr. Sadilek commented prior medical records need to be addressed in her chart notes, then do the examination and document it, and don't submit the documentation to DHS until it's complete.

Ms. Tibbitts stated she is very uncomfortable with Dr. Thanki stating she had done the PMP when she hadn't.

Dr. Rubin stated he believed this was an ethics violation. Dr. Spat asked if there were continuing medical education credits available to address that subject.

1: 23 P.M. Dr. Rubin made a motion to go into executive session for legal advice. Seconded by Ms. Tibbitts. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

The Board returned to open session at 1: 27 p.m.

Ms. Tibbitts asked if the other members saw this as a disciplinary or non-disciplinary violation. Dr. Rubin stated he saw this as a disciplinary violation.

Dr. Rubin made a motion for a consent agreement for disciplinary action and probation for 6 months to include an additional 10 hours in charting and an additional 10 hours in ethics in medicine and a chart review of five patients in one month for the original time period. After discussing the chart review for the same period would require the case to be kept open, Dr. Rubin amended his original motion by retracting the chart review for the original time period, and amending the motion to require the CME be completed within 3 months of the effective date of the order, and 5 chart reviews to take place in six months of the effective date of the order.

Ms. Tibbitts seconded the motion.

Dr. Popiel asked how long it has been since Dr. Thanki had not certified. Dr. Thanki estimated approximately one month. Dr. Sadilek suggested she take another 30 days to get her certification process in order.

Roll Call: Dr. Rubin; Aye, Dr. Spat; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts, Aye. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	Vacant	RUBIN	SPAT
Yes	5	x	x	x			x	x
No	0							
Abstain	0							
Absent	1				x			
Recused	0							
Vacant	1					x		

## **B. Dr. Carla Briante, Case No. 18-107 – Initial Review**

Dr. Briante was present, along with her Attorney Scott King. Ms. Anthony gave a summary of the case stating Dr. Brian Archambault filed a complaint with the Board, alleging Dr. Briante had written prescriptions for a controlled substance to her boyfriend, and had written a prescription for cough medication which included Codeine, to a patient who at the time was under the age of 18.

Mr. King addressed the Board stating Dr. Briante kept adequate medical records when caring for patient P.C., and that the relationship with P.C. began almost one year prior to the treatment. Mr. King addressed the previously submitted continuing medical education hours in the areas of Benzodiazepines, Ethics and Boundary Issues, Ethics and Clinical Work, and the letter of support from Dr. Theresa Ramsey.

Dr. Sadilek addressed Dr. Briante, stated that from the notes, it appeared P.C. was in a car accident on August 13, 2017, She accompanied P.C. to Urgent Care, and they provided him with a prescription for pain medication and two days later is when you wrote him a prescription for Xanax? Dr. Briante confirmed this to be accurate. Referred him to another physician.

Respondent addressed the Board, stating after she feels she did not violate statute, after she established a doctor/patient relationship with P.C., she assessed and treated his condition, with prescriptions as well as acupuncture. She became aware P.C. had violated the controlled substance agreement by obtaining a controlled substance prescription from another provider. At that time she discharged him as a patient, gave him 30 days and referred him to a behavior health physician.

Dr. Briante addressed the Board regarding patient I.P. stating I.P. is a patient of Dr. Ramsey who she saw for a cough. She checked the PMP and wrote her a short term dose of Tussionex, while suggesting other naturopathic at home remedies. Dr. Briante stated I.P. made a full recovery. She stated that when she wrote the prescription, she was not aware of the changes made regarding the use of cough suppressants containing opioids to patients under the age of 18.

Dr. Sadilek as Dr. Briante if she ever thought there was a problem while she was prescribing the medication to P.C. Dr. Briante stated it was helping him and she tried to get him off of it.

Dr. Sadilek asked if there had been a disagreement between her and Dr. Archambault. Dr. Briante stated Dr. Archambault's wife was the office manager at the practice, she was the one who took the phone call from a pharmacist, and Dr. Briante did not have a chance to speak directly to that pharmacist. And after that Dr. Archambault requested information on all her patients so he could check the PMP, and she refused to supply information to him for patients that had not been seen at his clinic, and that it would be a HIPAA violation to do so. After that she left the clinic.

Dr. Sadilek stated there is a fine line when you are prescribing, especially controlled substances, to a friend, I think you know that now. Regarding the under age patient, Mr. King stated if you look at Dr. Briante's notes, they are very detailed, she received the x-rays from the Urgent Care, she tried other modalities to help with the pain, and when she found out he had gone to someone else and gotten medication, she discharged him. Dr. Popiel asked what she was using for charting. Dr. Briante stated she is currently using CHARM, electronic charting, but at that time, she was doing the charting in a word perfect format because the charts were all paper.

Dr. Rubin stated he saw no violation.

Dr. Sadilek made a motion to dismiss the case. Seconded by Dr. Rubin. Roll Call: Dr. Rubin; Aye, Dr. Spat; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	Vacant	RUBIN	SPAT
Yes	5	x	x	x			x	x
No	0							
Abstain	0							
Absent	1				x			
Recused	0							
Vacant	1					x		

### C. Dr. Theresa Ramsey, Case No. 19-110 – Initial Review

Dr. Ramsey was present. Ms. Anthony gave a summary of the case stating Dr. Beeson; a naturopathic physician in the State of Montana filed the complaint after C.L., who is a mutual patient came to see her. C.L. disclosed she was being prescribed hormones by Dr. Ramsey, and was not being actively monitored for her cervical/uterine health. Dr. Beeson performed a pap smear, that resulted in a diagnosis of uterine cancer.

Dr. Ramsey addressed the Board stating she understands she prescribes differently from other physicians, and that she prescribes based on the literature. Patient C.L. had reported being under the care of a PCP also, and that she was having her yearly check up.

Dr. Sadilek asked if she does a pap smear on initial exam. Dr. Ramsey stated she will do a pap smear if the patient asks for one, but her specialty is HRT, that is what she will focus on.

Dr. Rubin stated if there is a potential issue in hormone responsive tissue, in your practice if you are to cause out of range hormones, why wouldn't you follow up on them.

Dr. Ramsey stated she does not see pathology in her patients because she is protecting them.

Dr. Rubin stated he did not see a report of cancer on the pathology report.

Dr. Popiel asked how her patient ended up in Montana, did she move there? Dr. Ramsey stated she has a home in Montana and she winters here.

Dr. Sadilek commented, I think the complaint was that there was no annual. I can see her point of view as to what reasonable responsibility the physician has.

Dr. Rubin stated that he believes the physician should monitor the treatment to make sure the treatment isn't causing some underlying problem.

Dr. Popiel made a comment about the timing of the testing, that they should be run 12 hours after and are confirm if they are or not taking thyroid.

Dr. Sadilek confirmed with Dr. Ramsey that she does follow up every year, and he acknowledged that the forms was signed by the patient regarding patient responsibility for imaging and pap smears. Just make sure they are monitored.

Dr. Rubin made a motion to dismiss the case. Seconded by Dr. Sadilek.

Roll Call: Dr. Rubin; Aye, Dr. Spat; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts, Aye. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	Vacant	RUBIN	SPAT
Yes	5	x	x	x			x	x
No	0							
Abstain	0							
Absent	1				x			
Recused	0							
Vacant	1					x		

2:36 P.M. Recess

2:44 P.M. Open Session

**D. Dr. Kathleen Muratore, Case No. 18-105 – Initial Review**

Dr. Muratore was not present. Ms. Anthony summarized the complaint was filed by Cindi Redden. Ms. Redden is not a patient of Respondent’s. Ms. Redden had taken Respondent to justice court based on non-payment for construction work. Originally a “barter” was discussed for \$500.00 worth of construction work, for medical services, Ms. Redden did not follow through with becoming a patient. According to court documents, Ms. Redden and Mr. Stewart (contractor) took Respondent to court, and awarded a judgement of \$500.00. Respondent has filed suite with the Arizona Corporation commission for Mr. Stewart for failure to hold a valid construction license at the time the work was performed, and did not pay the \$500.00. Ms. Redden filed a complaint with this Board concerning the issue. Ms. Anthony stated it appears this is not a matter in which the Board holds jurisdiction over, and requested dismissal.

Dr. Sadilek made a motion to dismiss. Seconded by Dr. Rubin. Roll Call: Dr. Rubin; Aye, Dr. Spat; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts, Aye. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	Vacant	RUBIN	SPAT
Yes	5	x	x	x			x	x
No	0							
Abstain	0							
Absent	1				x			
Recused	0							



Vacant	1					x		
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**6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED ACTIONS FOR REDUCTION IN BOARD REVENUE.**

**A. Elimination of the Clinical Training Certificate**

**B. Reduction of Application Fees**

Ms. Anthony gave a summary stating the yearly fiscal revenue currently being brought in by the Board, is over the yearly fiscal appropriation, and advised steps should be taken to reduce the revenue. The two options discussed were elimination of the clinical training certification, and reduction of application fees.

Dr. Sowards from S.W. College addressed the Board regarding the current procedure for processing certificates, and commented the college would be open to discontinuation of the certificate.

Dr. Rubin asked what the purpose is by removing the requirement. Ms. Anthony stated that by removing the requirement, we would be cutting our income and would not have to cut fees, and the current system of renewal is time consuming.

Dr. Rubin asked what the other boards do. Ms. Anthony explained the other Boards don't have this requirement. Dr. Popiel state perhaps looking into a onetime application and issuance. Ms. Anthony commented that may have to before the legislature, but would look into the possibility of just a rule change, she would research the matter and bring it back before the board.

**7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST TO MODIFY OR ELIMINATE PRACTICE RESTRICTIONS AS SET FORTH IN CONSENT AGREEMENT 17-084, DR. SETH BLACK.**

Dr. Black was present.

2:47 P.M. Dr. Sadilek made a motion to go into executive session to discuss confidential information. Seconded by Dr. Rubin Motion carried 5 Ayes, 1 Absent, 1 Vacant.

The Board returned to regular session.

Ms. Anthony gave a summary of the request being reviewed by the Board. As stated in the consent agreement, at the April or May of 2019 Board meeting, the Board would review a petition to modify or eliminate practice restrictions. Dr. Black did submit a petition for review. Ms. Anthony noted Dr. Black has complied with the requirements of the consent agreement.

In his statement to the Board, Dr. Black reviewed steps he had taken to maintain his sobriety. Dr. Black presented two letters of support to the Board for consideration.

Dr. Sadilek cautioned Dr. Black to watch his patient base so he does not become drawn back into that type of dysfunction. Dr. Sadilek made a motion to eliminate the practice restrictions outlined in consent agreement 17-084. Seconded by Dr. Popiel. Roll Call: Dr. Rubin; Aye, Dr. Spat; Aye, Dr. Popiel; Aye, Dr. Sadilek;

Aye, Ms. Tibbitts, Aye. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	Vacant	RUBIN	SPAT
Yes	5	x	x	x			x	x
No	0							
Abstain	0							
Absent	1				x			
Recused	0							
Vacant	1					x		

**8. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING DRAFT MINUTES.**

**A. Minutes of March 14, 2019, Regular Session**

It was noted Dr. Spat was not present at the March meeting and would abstain from voting. Dr. Sadilek made a motion to approve the minutes of March 14, 2019.

Seconded by Dr. Rubin. Motion Carried: 5 Ayes, 1 Abstain, 1 Absent, 1 Vacant.

**B. Minutes of September 13, 2018 Executive Session, 12:40 p.m.**

It was noted Dr. Sadilek was recused during this executive session, and abstained from voting. Dr. Rubin made a motion to approve the minutes. Seconded by Ms. Tibbitts. Motion Carried 5 Ayes, 1 Abstain, 1 Absent, 1 Vacant.

**C. Minutes of September 13, 2018 Executive Session, 1:15 p.m.**

Dr. Rubin made a motion to approve the minutes. Seconded by Ms. Tibbitts.

Motion Carried 6 Ayes, 1 Absent, 1 Vacant.

**D. Minutes of October 11, 2018 Executive Session, 12:49 p.m.**

**E. Minutes of October 11, 2018 Executive Session, 1:26 p.m.**

**F. Minutes of October 11, 2018 Executive Session, 2:14 p.m.**

Dr. Rubin made a motion to approve the minutes of October 11, 2018, items 8 D, E, and F. Seconded by Dr. Sadilek. Motion Carried, 6 Ayes, 1 Absent, 1 Vacant.

**G. Minutes of November 8, 2018 Executive Session, 1:39 p.m.**

**H. Minutes of November 8, 2018 Executive Session, 2:23 p.m.**

**I. Minutes of November 8, 2018 Executive Session, 3:05 p.m.**

Dr. Rubin made a motion to approve the minutes of November 8, 2018, items 8 G, H, and I. Seconded by Dr. Sadilek. Motion Carried, 6 Ayes, 1 Absent, 1 Vacant.

**J. Minutes of December 13, 2018 Executive Session, 1:48 p.m.**

**K. Minutes of December 13, 2018 Executive Session, 2:50 p.m.**

It was noted Dr. Rubin was recused during the executive sessions of December 13, 2018. Dr. Popiel made a motion to approve the minutes of December 13, 2018, Items 8 J, K. Seconded by Ms. Tibbitts. Motion Carried 5 Ayes, 1 Abstain, 1 Absent, 1 Vacant.

**L. Minutes of January 10, 2019 Executive Session, 12:44 p.m.**

This item was tabled due to lack of quorum.

**M. Minutes of January 10, 2019 Executive Session, 1:38 p.m.**

**N. Minutes of January 10, 2019 Executive Session, 3:12 p.m.**

It was noted Dr. Popiel was absent for the January 10, 2019 meeting. Dr. Rubin made a motion to approve items 8 M, N. Seconded by Dr. Sadilek. Motion Carried 5 Ayes, 1 Abstain, 1 Absent, 1 Vacant.

**9. EXECUTIVE DIRECTOR'S REPORT**

- A. FY 2019 Budget
  - B. Number of Active Licensees
  - C. Board Cases Under Investigation
- No Action Required

**10. FUTURE AGENDA ITEMS**

None

**11. CALL TO THE PUBLIC**

No requests were received.

**12. ADJOURNMENT**

The Board Adjourned at 3:31 P.M.