



State of Arizona Naturopathic Physicians Medical Board

“Protecting the Public’s Health”

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Douglas A. Ducey – Governor

Dr. Bruce Sadilek, ND - Chair, Dr. Brian J. Popiel, ND - Vice Chair, Karen Tibbitts - Secretary / Treasurer - Public Member, Vacant– Physician Member, Diva Galan - Public Member, Heston Silbert - Public Member, Vacant- Physician Member

MINUTES - Draft

BOARD MEETING

**Thursday, April 12, 2018 • 11:00 a.m. • Board Room A
1740 W. Adams Phoenix, AZ 85007**

1. CALL TO ORDER BY PRESIDING OFFICER

Dr. Sadilek called the meeting to order at 11:02 AM.

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

		SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	Vacant	GALAN	SILBERT	Vacant
Present	5	x	x	x		x	x	
Absent								
Vacant	2				x			x

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

Ms. Sabrina Khan, Assistant Attorney General, Ms. Gail Anthony, Executive Director.

2. DECLARATION OF CONFLICTS OF INTEREST

None Disclosed

3. CIVILITY STATEMENT

Dr. Sadilek read the civility statement.

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

A. Naturopathic Medical License by Examination

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

Franco - Chavez, Jessyca

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

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

Lara, Ana
Markham, Jennifer (temporary license issued in accordance with A.R.S. § 32-1522.01)
Milligan, Christopher
Winnett, Kelly
Wright, Kimberly

B. Naturopathic Medical License by Endorsement

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

C. Naturopathic Medical License Reinstatement of Retired License

Lai, Monique
Maize, April

D. Renewal Naturopathic Medical License

Binder, Tiffany
Brown, Aiyana
Darragh, Angela
Dietzgen, Mark
Eldridge, John
Hartman, John
Jarvis, Linda
Murray, Mallory
Overbeck, Jennifer
Perch, Benita

E. Initial Certificate to Dispense

Beck, Forrest
Ellis, Erin
George, Marietta
Jatta, Ebrahim
Kearney, Elisabeth
Lara, Ana
Maize, April
Markham, Jennifer
Morse, Michael
Patterson, Chad
Placella, Naomi

F. Retired Medical License

Guzman, Margarita
Kilgore, Jennifer
Lee, Clement
Ostroot, Cory

G. Renewal Certificate to Dispense

Alibrio, Alice (reinstatement of expired certificate)
Brandies, Damien
Cain, Briana
Davis, Heather
De Graaff, Sonja

Kasian, Stefan
 Neeley, Kyle
 Salzwedel, Kristen
 Thompson, Corrie
 Washington, Lina

H. Initial Certificate to Conduct a Preceptorship

Bejarano, Alfredo
 Schottenstien, Melinda
 Sumberg, Kayla
 Whitney, Travis

I. Initial Certificate to Engage in a Clinical Training Program

Garvin, Danielle
 Rasgogi, Molly
 Shashtri, Nishare

J. Renewal Certificate to Engage in a Clinical Training Program

Darby, Susan
 Herndon, Shay
 Rickard, Elizabeth
 Solomon, Hiruy
 Spangler, Sandra

CONSENT AGENDA VOTE: Dr. Sadilek made a motion to approve items 4 (A -J). Seconded by Dr. Popiel. Motion Carried 5 Ayes, 2 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	Vacant	GALAN	SILBERT	Vacant
Yes	5	x	x	x		x	x	
No	0							
Abstain	0							
Absent	0							
Recused	0							
Vacant	2				x			x

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

A. Dr. Laura Miller-Sickles Case No. 17-080 - Investigative Interview

Ms. Lauren Weinzweig, legal representative for Dr. Miller-Sickle was present. Ms. Anthony gave a summary of case 17-080 in which patient S.G. alleges she was overmedicated during an O2 procedure performed by Dr. Miller-Sickles.

Dr. Miller-Sickle stated S.G. had been a patient since 2015 and since that time, she had performed several different treatments on her, including the O2 procedure in May of 2017. Chart notes following the procedure indicate S.G. was non-compliant with post procedure instructions. S.G. presented to Respondent indicating she was happy with the results of the procedure on her face, but not on her arms, and asking for a refund of \$1,500. and free treatments. According to Dr. Miller-Sickles, the request was refused because the procedure was performed based on protocol settings, and the outcome was satisfactory. Dr. Miller-Sickles stated, at no time did S.G. allege she was overmedicated during the procedure.

Dr. Sadilek asked Dr. Miller-Sickle if she had explained the procedure and process to S.G. prior to performing the procedure. Dr. Miller-Sickle confirmed she had explained the procedure in detail, and in addition, S.G. had the same procedure performed in 2011 by the other physician in the office, and aware of what to expect.

Dr. Popiel asked Dr. Miller-Sickle if she had changed her protocol since this complaint, to include allowing a family member or friend in the room during the procedure. Dr. Miller-Sickle stated when it has been requested, she has allowed family members or friends in the room during the procedure. Additionally, about a week prior to the procedure, a pre-procedure visit is scheduled, at which time the procedure is explained any questions are answered.

Dr. Sadilek made a motion to dismiss the case. Seconded by Mr. Silbert. Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	Vacant	GALAN	SILBERT	Vacant
Yes	5	x	x	x		x	x	
No	0							
Abstain	0							
Absent	0							
Recused	0							
Vacant	2				x			x

B. Dr. Elizabeth Grady, Case No. 17-071 - Investigative Interview

Dr. Grady was present. Ms. Anthony gave a summary of the case in which B.C. alleges Dr. Grady over-charged her for labs. According to Dr. Grady, B.C. was angry with the office manager, and when there was no recourse there, she filed a complaint against her. Respondent stated B.C. had a lot of anger and she kept making scenes in the waiting room.

Dr. Sadilek asked Dr. Grady to clarify the business relationship between Mi Clinica and Northside Naturopathic. Dr. Grady stated her business is named Northside Naturopathic and at the time, she was renting space from Mi Clinica.

Dr. Popiel asked why the lab requisition for Mi Clinica has her name on it. Dr. Grady stated the labs had been drawn though Mi Clinica, that they used her name to establish a Sonora Quest account, and at one time she was a silent partner of Mi Clinica. The account had just been established and there was no pricing list available at the time B.C. presented for the lab draw. B.C. was made aware of this fact and was told she could have the labs drawn anyplace she wanted, but that she chose to have them drawn at the office.

Dr. Sadilek asked Dr. Grady what her process is now regarding lab pricing. Dr. Grady stated she now has a list of lab pricing she gives her patients if paying cash, but that most go through their insurance.

Dr. Sadilek made a motion to dismiss the case. Seconded by Mr. Silbert. Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	Vacant	GALAN	SILBERT	Vacant
Yes	5	x	x	x		x	x	
No	0							
Abstain	0							
Absent	0							
Recused	0							
Vacant	2				x			x

C. Dr. Debora Chelson, Case No. 17-081 - Continuation of Investigative Interview

Dr. Chelson was present. Ms. Anthony gave a summary of the case. Dr. Chelson stated she did log onto the Arizona Controlled Substance Prescription Monitoring Program database to check on each patient she certified for Medical Marijuana, but did not print them out and put them in the chart. She stated she thought she could access the log in history on the Arizona Pharmacy Board Website if she needed to confirm the process. But that when she needed to provide the information to the Board, she could not access that information because the Pharmacy board changed the site and lost some of her log in information.

Dr. Popiel asked Dr. Chelson what type of format she uses to keep her chart notes. Dr. Chelson stated she keeps her chart notes in paper format, but that some items are also scanned into her computer. Dr. Popiel pointed out that if another physician needed to review her chart, the written chart notes would be hard to understand, and expressed his concern about her current chart notes and record keeping system.

Dr. Sadilek asked Dr. Chelson if she is now making sure her notes are clean enough so another physician could read them. She stated that she was.

Dr. Sadilek made a motion to issue a Letter of Concern and non-disciplinary order for Continuing Medical Education.

Dr. Popiel stated he would like Dr. Chelson to also use ICd-9 codes in her chart notes as well as written diagnosis.

Ms. Tibbitts asked Dr. Chelson if she was now printing out the PMP report and putting in the chart. Dr. Chelson stated she is downloading the report onto her computer and storing it there, and that her chart notes are on paper.

Dr. Sadilek made a motion to issue a Letter of Concern for insufficient record keeping.

Ms. Galan stated she would like to see the Letter of Concern include failure to provide records to the Board investigator. Seconded by Dr. Popiel.

Dr. Sadilek amended his motion to include Ms. Galan's addition. Dr. Popiel seconded the motion to the amendment. Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	Vacant	GALAN	SILBERT	Vacant
Yes	5	x	x	x		x	x	
No	0							
Abstain	0							
Absent	0							
Recused	0							
Vacant	2				x			x

D. Dr. Jarom Ipson, Case No. 17-086 - Investigative Interview

Dr. Ipson was present. Ms. Anthony gave a summary of the case in which A.R. complained about a bill she received from the lab, after she had her blood drawn at Respondent's clinic.

Dr. Ipson stated the bill was submitted to A.R.'s insurance by the lab and was denied. The insurance company wanted a complete chart note, but because A.R. failed to present for a follow up appointment with Respondent, there was not a full chart note to provide.

Dr. Sadilek commented that in the future, it would be prudent of Dr. Ipson to have an appointment with the patient prior to any labs being drawn.

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

Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	Vacant	GALAN	SILBERT	Vacant
Yes	5	x	x	x		x	x	
No	0							
Abstain	0							
Absent	0							
Recused	0							
Vacant	2				x			x

E. Dr. Courtney Cronin, Case No. 17-085 - Investigative Interview

Dr. Cronin was present. Ms. Anthony gave a summary of the case in which patient M.A. alleges she was told by Dr. Cronin that her labs would be covered by insurance, but that her insurance company denied them because there was no medical necessity, leaving her with a bill for over \$3,000.

Dr. Cronin stated M.A. presented with symptoms of thyroid issues and she had not had labs in a year. M.A. asked Dr. Cronin about her insurance paying for the labs, and that they discussed the options and decided to run it through insurance. Dr. Cronin stated at that time, they were using Gulfstream Diagnostics because they were told it accepted most insurances. However later, once the lab began billing patients, they found out that was not the case and stopped using them.

Mr. Silbert asked Dr. Cronin if she or anyone in her office is an expert in billing insurance. Dr. Cronin stated no, that her practice is cash based. Mr. Silbert commented that perhaps it is inappropriate for her to be discussing the practice of billing insurance companies with the patient. Because the patient trusts the physician, they may believe she has enough working knowledge of the billing process to expect the company will pay. However, in this case when the insurance did not pay, it left the patient with no other option by to pay the bill or risk hurting her credit. Additionally, it appears when she reached out for help from the clinic and Dr. Cronin, she did not receive the help she expected.

Dr. Cronin stated that she does have the patients sign a waiver ahead of time stating that the clinic does not guarantee insurance will reimburse any expenses.

Complainant M.A. was present and stated that she trusted Dr. Cronin when she was told that the blood work would be covered by insurance. She also stated she thought the blood work would be allergy related, but the testing ordered by Dr. Cronin was primarily for hormones. M.A. stated that since the blood work was drawn at the office, she did not see the lab requisition which had listed many tests, and that if she had gone to a draw station or seen the order ahead of time, she would have questioned the amount of testing being ordered.

Dr. Sadilek commented that in the future, if the patient has a primary care provider and insurance coverage, Dr. Cronin may want to request the labs be drawn through the primary care provider.

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

Mr. Silbert stated he had a concern regarding the dismissal, that he does not believe the physician was deliberately misleading the patient, but that there was enough of a conversation between Dr. Cronin and the patient regarding the insurance, that it was a valid complaint.

Ms. Galan stated she does not believe this rises to the level of unprofessional conduct, but does believe a letter of concern should be noted that something did take place.

Ms. Anthony took roll call vote on the motion made by Dr. Sadilek to dismiss, and seconded by Dr. Popiel. Ms. Tibbitts; Nay, Dr. Sadilek; Aye explaining his vote that he encounters these type of situations and knows what type of complications do arise, Dr. Popiel; Aye, explaining his vote that these types of situations are difficult for the physician, Mr. Silbert; Nay, Ms. Galan; Nay. Motion failed 3 Nays, 2 Ayes, 2 Vacant.

Mr. Silbert made a motion to issue a letter of concern because the patient was not properly educated on the clinic's billing practice and procedure. Seconded by Ms. Galan. Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye explaining he has a new perspective after discussion, Dr. Sadilek; Nay, Ms. Tibbitts; Aye. Motion carried 4 Ayes, 1 Nay 2 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	Vacant	GALAN	SILBERT	Vacant
Yes	4		x	x		x	x	
No	1	x						
Abstain	0							
Absent	0							
Recused	0							
Vacant	2				x			x

6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING RENEWAL OF CONFIRMED MEDICAL LICENSE WITHOUT PREJUDICE TO ANY ONGOING INVESTIGATION

A. Dr. Michael Miles

Dr. Sadilek made a motion to approve the application for medical license renewal. Seconded by Dr. Popiel. Motion carried 5 Ayes, 2 Vacant.

7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR RENEWAL OF MEDICAL LICENSE.

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

A. Dr. Brian Popiel

Dr. Popiel recused himself. Dr. Sadilek made a motion to approve the application. Seconded by Ms. Tibbitts. Motion carried 4 Ayes, 1 Recused 2 Vacant

B. Dr. Bruce Sadilek

Dr. Sadilek recused himself. Dr. Popiel made a motion to approve the application. Seconded by Mr. Silbert. Motion carried 4 Ayes, 1 Recused, 2 Vacant.

8. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPROVAL OF CONTINUING MEDICAL EDUCATION FOR DR. SHELDON DEAL, AS REQUIRED BY CONSENT AGREEMENT IN CASE NUMBER 17-082.

Dr. Sadilek stated he read through the continuing medical education submitted to the Board by Dr. Deal, and it appears some of the courses are approved by Bridgeport Health Sciences which is an accredited school, but that some are not. Dr. Sadilek stated he does recall the case and feels that some of these hours need to be American Medical Association Category 1 credits.

Dr. Popiel agreed and stated that some are required to be in hormone replacement therapy.

Dr. Sadilek stated that anything regarding hormones has to be AMA Category 1.

Dr. Sadilek made a motion to accept only the CME courses provided by Bridgeport, and that all other CME submitted to the Board by Dr. Deal for approval will need to be AMA Category credits. Seconded by Dr. Popiel. Roll Call: Ms. Tibbetts; Aye, Dr. Sadilek: Aye, Dr. Popiel; Aye, Mr. Silbert; Aye, Ms. Galan; Aye. Motion carried 5 Ayes, 2 Vacant

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	Vacant	GALAN	SILBERT	Vacant
Yes	5	x	x	x		x	x	
No	0							
Abstain	0							
Absent	0							
Recused	0							
Vacant	2				x			x

9. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPROVAL OF APPLICATION FOR PRECEPTORSHIP TRAINING. The Board may vote to go into Executive Session

A. Kevin Johnson

Mr. Steve Perlutter, legal representative for Mr. Johnson was present. Ms. Anthony gave a summary of the application status which included an affirmative disclosure regarding background questions. Mr. Perlmutter addressed the Board, pointing out the violations occurred many years ago, and provided a summary of Mr. Johnson's accomplishments since that time.

Mr. Silbert asked Mr. Johnson if there had been any other issues since that time. Mr. Johnson affirmed there had been no other issues, and that he was 17 and 18 years old at the time of the incidents.

Dr. Sadilek asked Mr. Johnson to confirm he graduated from Southwest College of Naturopathic Medicine in 2015, and explain what he has been doing since that time. Mr. Johnson confirmed the date to be correct, and stated since graduating, he had participating in several programs through Pima Institute and Bastyr University.

Mr. Silbert made a motion to go into Executive Session for legal advice. Seconded by Ms. Tibbitts. Motion Carried, 5 Ayes, 2 Vacant.

The Board returned to Open Session at 11:37AM.

Dr. Sadilek asked Mr. Johnson how long he anticipated the preceptorship to last. Mr. Johnson explained he did not have a specific time frame because he still needed to take part of the NPLEX examination, adding he intended to apply for licensure in Arizona when complete.

Dr. Sadilek made a motion to approve the application for preceptorship training. Seconded by Mr. Silbert. Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	Vacant	GALAN	SILBERT	Vacant
Yes	5	x	x	x		x	x	
No	0							
Abstain	0							
Absent	0							
Recused	0							
Vacant	2				x			x

10. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING AMENDMENT TO CONSENT AGREEMENT FOR DR. SETH BLACK REGARDING CASE NO. 17-084

Dr. Black was present. Dr. Sadilek made a motion to go into Executive Session to discuss confidential information. Seconded by Ms. Tibbitts. Motion carried 5 Ayes, 2 Vacant.

The Board returned to open session at 1:29 PM.

Mr. Silbert made a motion to modify the proposed consent agreement for practice limitation regarding Dr. Black to state he is restricted from prescribing controlled substances, with the exception of Testosterone, and restricted from certifying for medical marijuana, for a period of 12 months. Seconded by Dr. Popiel. Roll Call: Ms. Tibbetts; Aye, Dr. Sadilek; Aye, Dr. Popiel; Aye, Mr. Silbert; Aye, Ms. Galan; Aye. Motion carried 5 Ayes, 2 Vacant

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	Vacant	GALAN	SILBERT	Vacant
Yes	5	x	x	x		x	x	
No	0							
Abstain	0							
Absent	0							
Recused	0							
Vacant	2				x			x

11. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPROVAL OF APPLICATION FOR CERTIFICATE TO ENGAGE IN CLINICAL TRAINING.

A. Traci Price

Ms. Price was present. Dr. Sadilek asked her to summarize the incident regarding the traffic stop which resulted in non-criminal charge. Ms. Price explained the circumstances surrounding the incident which involved a BB gun found in her car by the office. Dr. Sadilek asked Ms. Price if she remembered the incident, she stated she did, but did not disclose it on the application because it had never come up in any of the past background checks.

Dr. Sadilek made a motion to approve the Application. Seconded by Ms. Tibbitts. Motion carried 5 Ayes, 2 Vacant.

12. CONSENT AGENDA- REVIEW, CONSIDERATION, AND POSSIBLE ACTION ON APPROVAL OF SCHOOLS OF NATUROPATHIC MEDICINE.

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2) (to discuss confidential information) or A.R.S. § 38-431.03(A)(3) (to receive legal advice).

- A. Bastyr University
- B. Boucher Institute of Naturopathic Medicine
- C. Canadian College of Naturopathic Medicine
- D. National University of Natural Medicine
- E. National University of Health Sciences
- F. Southwest College of Naturopathic Medicine & Health Sciences
- G. University of Bridgeport, College of Naturopathic Medicine

Dr. Sadilek made a motion to approve items A. - G. Seconded by Dr. Popiel. Motion carried 5 Ayes, 2 Vacant.

13. CONSENT AGENDA -APPROVAL OF BOARD MINUTES

- A. Regular session minutes of February 8, 2018
- B. Executive session minutes of February 8, 2018

C. Executive session minutes of January 11, 2018
Dr. Sadilek made a motion to approve items A. - C. Seconded by Mr. Silbert. Motion carried 5 Ayes 2 Vacant.

14. EXECUTIVE DIRECTOR'S REPORT

- A. Status of 5 year review report
- B. Budget
- C. Licensing and Case Status
- D. Dismissed Complaint, Complaint No. 17-079, by the Executive Director
- E. Bill Status
 - SB 1085
 - HB 2549
 - HB 2067Mr. Barron Glassgow, Executive Director of the AzNMA gave a brief summary regarding the status of SB1085.

15. FUTURE AGENDA ITEMS

None

16. CALL TO THE PUBLIC

Ms. Lauren Weinzweig, Esq. and Dr. Ryan Krch addressed the Board, referencing the disciplinary information provided on the Board's website regarding Dr. Krch. Specifically, Ms. Weinzweig referenced the original consent agreement for surrender of license involving case number 08-026, and the subsequent consent agreement which amended the language of the order from surrender of license to "revocation". Because the Board is prohibited from entering into discussion during this agenda item, it was requested that this item be placed on a future agenda for discussion.

17. ADJOURNMENT

The meeting was adjourned at 2:10 pm.