



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

Divya Galan – Public Member, Dr. Clinton C. Campbell, Ph.D – Public Member

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

MINUTES

Thursday, August 13, 2020. 12:30 pm. Board Room C, First Floor

1740 W. Adams, Phoenix, AZ 85007

1. CALL TO ORDER BY PRESIDING OFFICER

Dr. Sadilek called the meeting to order at 12:32 pm.

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

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
All Present Via Phone	7	x	x	x	x	x	x	x
Absent	0							
Vacant	0							

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

Ms. Sarah Asta, Assistant Attorney General

Ms. Gail Anthony, Executive Director

2. DECLARATIONS OF CONFLICTS OF INTEREST

Dr. Rubin recused himself from agenda item 5 B, case number 20-152.

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

Im, Jenny

Singh, Sahib

B. Naturopathic Medical License by Endorsement

Kristine Trockels

C. Reinstate Expired Medical License

D. Reinstatement of Retire Medical License

E. Initial Certificate to Dispense

Afshar, Farzam

Biller, Erin Rhea

Singh, Sahib

Wang, James

F. Reinstatement of Expired Certificate to Dispense

Hayman, Jessica Ford

Milliken, Ann Marie

Murray, Mallory

Rose, Katherine

Shell, Sarah

Wilson, Adrienne

G. Renewal Certificate to Dispense

Albonroz-Sanchez, Leah

Alibrio, Alice

Anderson, Kristy

Avakian, Ara

Aye-Englert, Mallory

Baca, Amalia

Bain, Jaclyn

Baral, Matthew

Beynon, Stephanie

Black, Seth

Bojah Fernandez, Lena

Burns, Jennifer

Cavanaugh, Shannon

Ceballos-Logan, Gladys

Cervigni, Maria

Dean, Jeffrey

Dugan, Carly

Feaster, Joanne

Flynn, Julie

Gaines, Patricia

Havens, Jennifer

Hendricks, Jane

Hering, Lance

Hesselbrock, Rachel

Highland, Janice

Hoang, Melanie

Howell, Mario

Karcheski, Dorothy
Kooima, Jessica
Krause, Apryl
Leone, Jacqueline
McCarthy, Brendan
Miller, Rebecca
Morrisey, Robert
Muhammad-El, Kim
Munoz, Victoria
Murdoch, Jessica
Myatt, Dana
Nandyala, Lakshmi
Navarro, Alma
O'Brien, Kareen
O'Brien, Mary Ellen
Paulson, Heather
Poindexter, Beth
Porter, Alexandra
Pritchard, Allison
Reiley, Joshua
Roberson Alexander, Amanda
Rodriquez, Odessa
Ruiz, Vanessa Jane
Salisbury, Lauren
Sax, Rebekkah
Seder, Jeffrey
Seenauth, Casey
Seitz, Stephanie
Stowell, Aaron
Tamburri, Frank
Tasalloti, Yasamn
Truong, Tue
Tucker, Michelle
Visser, Timothy
Vitaro, Nathan
Wilson, Emillie

DRAFT

- H. Initial Certificate to Engage in a Clinical Training Program
Borghese, Cassandra
Miro Ros, Gabriela

- I. Renewal Certificate to Engage in a Clinical Training Program
Ampadu, Nancy
Anthony, Brooke
Conway, Sydney
Graham, Kristen
Hix, Emily

Kirk, Michelle
 Krase, Kathy
 Lawrence, Kathleen
 Lehmann, Bridget
 Mann, Julianna
 Nguyen, Nhan
 Obuobi,Samantha
 Rebeyka, Alexis
 Simmons, Heather
 Sukhorukov, Elena
 Suttern, Cherron
 Valdez, Olivia

J. Initial Certificate to Engage in a Preceptorship Training Program
 Lattanza, Lauren

K. Renewal Certificate to Engage in a Preceptorship Training Program
 Johnson, Kevin
 Limburg, Sayre

L. Initial Certificate to Conduct a Preceptorship Training Program
 Alexandria, Karsten
 Archambault, Brian
 Cummings, Emily
 Hinjosa, Judy

M. Renewal Certificate to Conduct a Preceptorship Training Program
 Ziol, Judith

N. Initial Certificate to Engage in a Preceptorship Training Program
 Fiorillo, Melanie
 Herndon, Shaye
 Monson, Carly

O. Initial Medical Assistant Certificate.
 Faust, Tayler

P. Renewal Medical Assistant Certificate
 Sherwood, Jessica

Consent Agenda Vote: Dr. Sadilek made a motion to approve consent agenda items 4 A – P. Seconded by Dr. Ruben. Roll Call: Motion Carried 7 Ayes.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	7	x	x	x	x	x	x	x
No	0							

Abstain	0							
Absent	0							
Recused	0							
Vacant	0							

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

A. Case No. 20-155, Dr. Jennifer Burns, Initial Review.

Dr. Burns was present via phone, along with her Attorney Ms. Vanessa Bragg.

Ms. Anthony summarized the Board received a complaint from the State of Arizona Pharmacy Board, alleging Respondent wrote prescriptions for an out of scope medication. Investigation into the case disclosed evidence Respondent wrote prescriptions for Vyvance on three separate dates. Vyvance is a class II controlled substance and not within the prescriptive authority of a Naturopathic Physician licensed in the State of Arizona.

Ms. Bragg made a statement to the Board outlining the timeline of the prescriptions and the efforts taken on the part of Dr. Burns to verify if the medical she was prescribing was in scope. A pharmacist had originally told her it was within scope, the patient's insurance company had approved the first few prescriptions, and it was not until a discussion with a representative of the pharmacy board, that she discovered it was in fact not within her prescriptive authority. Once she was told it was out of scope, Dr. Burns immediately corrected her actions.

Dr. Sadilek asked if Dr. Burns provided a referral for the patient once she discovered she could no longer prescribe the medication. Dr. Burns stated that the patient returned to her PCP to receive the prescription, and that she was only providing care to the patient for hormonal and menopausal issues.

Dr. Popiel stated he has a concern with the assessment portion of the chart note, that it looks like it was done in a word document and does not note ICD-9 codes. He commented that another physician has got to be able to grab that note and understand what the diagnosis is. Dr. Burns confirmed it was typed in a word document, and she is currently looking for an up to date Electronic Medical Records system.

Dr. Rubin stated he agrees with Dr. Popiel, and referred to a few chart notes where the prescribed medication was listed, but no milligram were noted, that the dosage needs to be charted for reference or if there becomes an issue.

Dr. Spat asked if Dr. Burns checks with any online sources before she writes a prescription. She stated in the past no, but since this situation, she has been researching apps she can reference so this does not happen again.

Dr. Rubin reiterated the importance of complete charting, including the charting medications and amount prescribed. Dr. Popiel stated he agrees with Dr. Rubin and commented that doctors should never rely on insurance approval as a basis for a medication being within scope.

Dr. Rubin made a motion to dismiss. Seconded by Dr. Popiel. Roll Call: Motion Carried, 6 Ayes, 2 Nays. Dr. Sadilek explained stating he based his vote on prior cases adjudicated by the Board with similar circumstances, and that he would want to see some required CME in pharmacology. Ms. Galan explained her vote stating she would also like to see some CME. Dr. Campbell explained his vote stating it was based on the conduct and action she took after she became aware the medication was out of scope.

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

B. Case No. 20-152, Dr. Stephanie Bailey, Initial Review.

Dr. Rubin recused.

Dr. Bailey was present via phone, along with her Attorney Ms. Holly Gieszl.

Ms. Anthony summarized Respondent self-reported an incident which had taken place on 5/8/2020, resulting in Dr. Bailey being arrest on several offence charges including DUI, Escape, Assault, and a Traffic Offense. Dr. Bailey claims to have little memory of the incident, she admits to consuming 4 glasses of wine within a 4 hour period, and that the next thing she remembered was waking up in her car on the side of the road.

Ms. Gieszl made comments to the Board referencing a traumatic event which took place in Dr. Bailey's childhood, which resulted in anxiety and depression. Since this incident, Dr. Bailey sought treatment for her conditions, and has the support of her family, friends and community.

Dr. Sadilek asked if Dr. Bailey was currently seeing a health professional. Dr. Bailey indicated she was seeing both a physiatrist and a counselor.

Dr. Popiel asked if Dr. Bailey had taken any medications that night that would have caused interaction, that the test showed an extreme level. Dr. Bailey indicated she had not.

Ms. Giezl commented on her opinion that a breathalyzer test is unreliable.
 Ms. Galan stated this is not a court of law, and that the breathalyzer reliability is not something we should dwell on.
 Dr. Spat confirmed

Ms. Tibbits asked Dr. Bailey if she was aware of what triggered the PTSD reaction and if could happen again, and had she been in other situations where it triggered issues similar to this. Dr. Bailey stated she had triggers when she was younger but not lately.

1:51 pm. Ms. Tibbits requested to go into Executive Session to discuss matters made confidential by law. Seconded by Dr. Sadilek. Motion Carried 6 Ayes, 1 Recused.

The Board returned to open session at 2:13

Dr. Campbell asked Dr. Bailey if she could describe her injuries at the time of the incident. Dr. Bailey stated she had a cut on her right shoulder and a cut on her knee. Dr. Campbell asked has anything like what was described in the police report ever happened in the past. Dr. Bailey stated because of the interactions with officers when she was young, she tends to get very nervous and anxious, but is usually cooperative.

2:44 pm Dr. Sadilek made a motion to take a 5 minute break, seconded by Dr. Campbell. Motion carried 6 Ayes, 1 Recused.

2:52 pm the Board returned to Open Session.

The Board discussed a consent agreement and what potential terms could be included.

Ms. Tibbits made a motion to go into Executive Session for Legal Advice. Seconded by Dr. Campbell. Motion carried 6 Ayes, 1 Recused.

3:22 pm The Board returned to Open Session

Dr. Sadilek made a motion to issue a consent agreement for 1 year probation, with reports submitted to the Board every 60 days by Dr. Bailey's providers, medication compliance, monthly random ETOH testing, present before the Board in 6 months, and a requirement to keep the Board up to date on any change in the Sedona PD case. Dr. Campbell seconded. Roll Call: Motion Carried 6 Ayes, 1 Recused

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	6	x	x	x	x	x		x
No	0							
Abstain	0							
Absent	0							
Recused	1						x	

Vacant	0							
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- C. Case No. 20-145, Dr. Judith Ziol, Initial Review.
Dr. Ziol was present via phone.

Ms. Anthony summarized the Board received notice from the Arizona Department of Health Services regarding a discrepancy between the number of medical marijuana certifications Dr. Ziol submitted to the department, and the number of times she performed the required CSPMP look up. According to the notice, Dr. Ziol submitted 28 medical marijuana certifications to the department between July 1 and December 3 of 2019, but only accessed the CSPMP database 16 times.

As part of the investigation, several patient records from that time frame were also reviewed. The investigation found for at least 3 patients, Dr. Ziol failed to complete the appropriate requirements for certifying patients for medical marijuana, for at least 3 patients she may have certified patients without performing an appropriate physical examination, and without having prior medical records to support the diagnosis for which she certified, and that she failed to keep adequate medical records.

Dr. Ziol stated she accepts full responsibility for the discrepancies in procedure regarding the CSPMP. That this complaint has brought to her attention the charting issues, and that she now reviews each chart at the end of the day to confirm they are up to date.

Dr. Rubin stated the charting he reviewed was horrendous, that they are incomplete, and could not be submitted for continuity of care.
Dr. Spat stated he agreed with what Dr. Ruben had stated.

Dr. Campbell began to make a statement and the power went off in the building.

The meeting was adjourned at 3:46.

The remaining items on the agenda will be heard at the next scheduled meeting.

- D. Case No. 20-139, Dr. Gio Franco, Initial Review.
E. Case No. 20-140, Jesse Haggard, Initial Review.

6. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING BOARD CASE NUMBER 20-156, ASHTON JOYCE.

The Board may vote to go into Executive Session pursuant to A.R.S. § 32- 31.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

7. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING APPLICATION FOR LICENSE, ASHTON JOYCE.

The Board may vote to go into Executive Session pursuant to A.R.S. § 32- 31.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

8. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING FORMAT OF MEDICAL RECORDS PRESENTED IN INVESTIGATIVE REPORTS TO THE BOARD.

The Board may vote to go into Executive Session pursuant to A.R.S. § 32- 31.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

9. CONSENT AGENDA VOTE. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING DRAFT MINUTES.

The Board may vote to go into Executive Session pursuant to A.R.S. § 32- 31.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

- A. Draft Minutes of July 9, 2020 Open Session.
- B. Draft Minutes of July 9, 2020 Executive Session.

10. EXECUTIVE DIRECTOR'S REPORT

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. Budget
- B. Current Licensee and Certificate Holder Numbers
- C. Current Number of Board Cases Under Investigation, Pending Before OAH, or On Hold Pending Outcome of Criminal Case.

11. FUTURE AGENDA ITEMS

12. CALL TO THE PUBLIC

Those wishing to address the Board do not need to request permission in advance; however, the Board may limit those persons speaking during this time to a reasonable number on any public comment matter. In addition, each person wishing to address the Board will be given five (5) minutes to do so. Pursuant to A.R.S. § 38-431.02(H), the Board can only take action on matters listed on the agenda. Action on public comment matters that are not listed on the agenda will be limited to directing staff to study the matter or to schedule the matter for further review at a later date.

13. ADJOURNMENT