



# State of Arizona Naturopathic Physicians Medical Board

“Protecting the Public’s Health”

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

Website <https://nd.az.gov>

TTY for Americans with Disability 800-367-8939 • Disability Voice Relay 800-842-4681

## 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, August 8, 2019 • 12:00 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.  
Dr. Sadilek called the meeting to order at 12:09 p.m.

Ms. Anthony Called Roll. Dr. Rubin; Present, Dr. Spat; Present, Ms. Galan; Present, Dr. Popiel; Present, Dr. Sadilek; Present. Ms. Tibbitts Absent. 5 Present, 1 Absent. 1 Vacant.

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

- B. Acknowledgement of presence of Board staff and legal counsel.  
Mr. Marc Harris, Assistant Attorney General  
Mr. Thomas Raine, Assistant Attorney General  
Ms. Gail Anthony, Executive Director

#### 2. DECLARATIONS OF CONFLICTS OF INTEREST

- Dr. Rubin recused from agenda items 5(c), 6(b), 10.
- Dr. Sadilek recused from agenda item 5(b).
- Dr. Popiel recused from agenda item 6(a).
- Ms. Galan recused from agenda item 6 (d-j).

**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 Endorsement  
Maddox, Adam

B. Initial Certificate to Dispense  
Aye-Englert, Mallory  
Ibarra, Nallely  
Jemison, Thomas  
Kennedy, Shawn  
Miller, Alicia  
Wheeler, Miriam

C. Renewal Certificate to Dispense  
Alibrio, Alice  
Berkner, Kristin  
Bishop, Kristen  
Brown, Kimberly  
Cere, Eric  
Compton, Christina  
Coss, Mario  
Darragh, Angela  
Dooley, Melonni  
Dowell, Murray  
Dunbar, S. Ross  
Eckart, Kayla  
Fox, Joelle  
Gajus, Stephanie  
Gilbert, Miriam  
Gutowski, Louise  
Hazel, Sara  
Hesler, Sean  
Howell, Mario  
James, Charmainge  
Johnson, Eric  
Kaufmann, Andrew  
Kovalik, Christina  
Krause, Apryl  
Leon, Gilberto  
Leone, Jacqueline  
Lioce, Luca  
Livengood-Anderson, Elizabeth  
Milisen, Robert

Mitchell, Tiffany  
Morris, Lance  
Murray, M. Ann  
Paulson, Heather  
Pritchard, Allison  
Ranon, Roselyn  
Ruiz, Vanessa Jane  
Salisbury, Lauren  
Smith Pingel, Patricia  
Suhaila, Lena  
Trahan, Sarah  
Tveit-Pettersen, Sonja  
Whitley, Marnie  
Wojslaw, Heather  
Wool, Daniel  
Zamora, Jamie

D. Initial Medical Assistant Certificate

Tovar, Marla

E. Renewal Medical Assistant Certificate

Gear, Christina  
Hofmeister, Susan  
Monaco, Melissa  
Sherwood, Jessica  
Walters, Dustin

F. Initial Certificate to Engage in a Clinical Training Program

Mann, Julianna  
Roy, Luann

G. Renewal Certificate to Engage in a Clinical Training Program

Bosen, Tanya  
Darby, Susan  
Deakins, Daniel  
Drought, Kelly  
Garcia, Dasia  
Gillen, Alexandre  
Johnston, Sara  
Jones, Krista  
Linarelli, Leah  
Savage, Nicholas

H. Initial Certificate to Engage in a Preceptorship Training Program

Denzer, Dara  
Myers, Kaitlyn  
Roodvoets Chelsea

- I. Renewal Certificate to Engage in a Preceptorship Training Program  
Chand, Vasundhra  
Johnson, Kevin  
Rodriguez, Carolina
- J. Initial Certificate to Conduct a Preceptorship Training Program  
Lara, Anna  
Mackay-Timmermans, Drew
- K. Renewal Certificate to Conduct a Preceptorship Training Program  
Ipson, Jarom  
Misir, Parabatie  
Schottenstein, Melinda  
Taylor, Jennifer

**Consent Agenda Vote:** Dr. Popiel made a motion to approve consent agenda items 4 A-K. Seconded by Dr. Rubin. Roll Call: Dr. Rubin; Aye, Dr. Spat; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; 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. Katherine Volynsky Unregulated, Case No. 19-112, Initial Review.

Ms. Anthony summarized the complaint came to the Board by way of Dr. Mitchell from S.W. College of Naturopathic Medicine. Dr. Mitchell stated S.W. College was contacted by someone from the public in an attempt to confirm Ms. Volynsky’s graduation and licensure. Dr. Mitchell discovered Ms. Volynsky had contacted the College in 2012 and was a candidate for admission at that time, but that she never enrolled. Examples of Ms. Volynsky’s use of the protected designation of Naturopathic Physician, N.D, and other titles which would lead the public to believe she is a licensed naturopathic physician in the State of Arizona were reviewed.

Dr. Sadilek made a motion to refer the case to the Attorney General for possible further action. Seconded by Dr. Rubin. Roll Call: Dr. Rubin; Aye, Dr. Spat; Aye,

Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; 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. Jeanne Krizman Unregulated, Case No. 19-124, Initial Review

Dr. Sadilek recused himself. Dr. Popiel took over as Board Chair for this matter. Ms. Anthony summarized on April 24, 2019, Board Staff received a phone call from an unidentified member of the public wishing to verify licensure for Jeanne Krizman. Board staff confirmed Ms. Krizman did not hold a license to practice naturopathic medicine in the State of Arizona and relayed that information to the caller. Further investigation by Board staff via internet search revealed Dr. Krizman is a licensed dentist. Examples of Dr. Krizman’s use of the protected designation Naturopathic Physician, N.D, and other titles which would lead the public to believe she is a licensed naturopathic physician in the State of Arizona were reviewed.

Dr. Popiel pointed out that Dr. Krizman is claiming to be a graduate of the American Naturopathic Medical Certification Board. Dr. Rubin stated that certification is not recognized by the AANP or by this Board. Dr. Popiel made a motion to forward this case to the Attorney General for possible further action. Seconded by Ms. Galan. Roll Call: Dr. Rubin; Aye, Dr. Spat; Aye, Ms. Galan; Aye, Dr. Popiel; Aye. Motion Carried 4 Ayes, 1 Abstain, 1 Absent, 1 Vacant.

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

C. Dr. Amy O’Hara, Case No. 19-118, Initial Review

Dr. O’Hara was present. Dr. Rubin recused. Ms. Anthony summarized on February 25, 2019, The State of Arizona Naturopathic Physicians Medical Board received notification from the Arizona Department of Health Services (DHS), of a discrepancy in the number of medical marijuana certification written by Respondent from July 1, 2018 – December 31, 2018, Vs. the number of times she queried the Arizona Board of Pharmacy controlled

Substances Prescription Monitoring Program Database, (PMP). According to the notice from DHS, from July 1 through December 31, 2018, Respondent certified 189 patients for medical marijuana, however only accessed and queried the database 6 times.

Dr. O’Hara stated when she moved into the position, the training was minimal, although notes that it was ultimately her responsibility to know the law. She did not understand the PMP was mandatory for each and every patient. Since receiving the complaint, she reviewed the PMP for those patients to see if it would have changed her mind about certifying, and none did. Dr. Sadilek asked if she was currently working for a medical marijuana certification clinic. Dr. O’Hara stated she was. Dr. Sadilek asked her to explain her patient process, and if the prescriptions she wrote for controlled substances written for the certification patients at the same time. Dr. O’Hara described her process for certification, and stated that the controlled substance prescriptions were written for the esthetic patients she sees in her own office when performing aggressive laser treatments.

Dr. Popiel asked if the chart notes presented the Board were representative of her chart notes in general. She stated they were for the medical marijuana certifications. Dr. Popiel stated that she checked the box on the form attesting she checked the PMP. She stated yes she did, and misunderstood she was supposed to check that for every patient. Dr. Sadilek stated that problem we have is that you checked the form stating you checked the PMP.

Dr. Sadilek asked Dr. O’Hara what her feelings were about combining benzodiazepines and opioids. Dr. O’Hara asked if he was referring to the medical marijuana patients. Dr. Sadilek commented, just in general and noted she is conservative in prescribing, but are you aware of the interactions when prescribing benzodiazepines and opioids? Dr. O’Hara confirmed she was, but stated that they are given in such small amounts, and if there is an issue or question, they will contact the medical director.

Dr. Sadilek stated the issue is you can’t sign that form unless you have done the PMP. Dr. O’Hara stated. now I do not certify until I get the medical records and run the PMP.

Ms. Galan and Dr. Popiel expressed concern over the 18 year old patients being seen. Dr. O’Hara stated that she sees patients of all ages, her patient base is not exclusive to 18 year olds.

Dr. Sadilek made a motion to issue a Letter of Concern for non-compliance with State Law when issuing medical marijuana certifications, and a non-disciplinary order for 10 hours of continuing medical education in medical cannabis. Seconded by Dr. Popiel. Roll Call: Dr. Spat; Aye, Ms. Galan; Aye, Dr. Popiel; Aye. Dr. Sadilek; Aye. Motion Carried 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	Vacant	RUBIN	SPAT
--	------	------------------	-------------------------	--------------------------	-------	--------	-------	------

Yes	4		x		x		x	x
No	0							
Abstain	0							
Absent	1			x				
Recused	1	x						
Vacant	1					x		

1:20 p.m. Break

1:30 p.m. Open Session

D. Dr. Isaac Yosef, Case No. 19-125, Initial Review

Dr. Yosef was present. Ms. Anthony summarized on May 19, 2019, The State of Arizona Naturopathic Physicians Medical Board received a complaint from patient MA. In her complaint, MA stated she presented to Dr. Yosef on April 30, 2019, with “hurting lumps all over my head and temples, throat muscle and jaw muscle soreness and severe pain.” MA alleges Respondent misdiagnosed her with a viral infection, when she actually had Giant Cell Arteritis. MA requested a full refund from Respondent of \$702.57. Respondent refused to give her a total refund, but did give her a partial refund of \$97.25.

Dr. Yosef pointed out the documentation he had provided the Board. He stated he understood MA’s frustration, that she had been to the E.R., and previous physicians and specialists, who did not diagnose her. She came to me with limited resources. I determined she had viral infection. I did refund her for unopened supplements she returned.

Dr. Rubin asked Dr. Yosef what made him determine MA had a viral infection. Dr. Yosef stated he based his findings on MA’s presentation, her acute high fever and he also uses electrodermal testing, although he does not rely on that, pointed to Herpes Zoster. Dr. Yosef pointed out the literature demonstrated 80% of biopsies for Giant Cell Arteritis contain the marker for Herpes. Dr. Rubin pointed out Dr. Yosef wrote a plan to fight the infection.

M.A was presented, she stated the pain started with her jaw, she went to her dentist Thinking it was a tooth infection, he found nothing but referred her to an endodontist the same day who did not find anything. She went to see an ENT, and by that time more symptoms had developed, but he could not tell her what it was. She was in so much pain, she went to the E.R., which did a CAT scan, a blood test and gave her morphine for the pain but they could not tell her what was wrong with her. She went to a dermatologist who did a biopsy, but it was too superficial. They could not confirm anything. She then saw Dr. Yosef. After visiting Dr. Yosef, she saw her internist who subsequently diagnosed her with Giant Cell Arteritis based on additional blood work and biopsy, and put her on prednisone. MA stated had she not been put on the prednisone, she could have gone blind. She was told its an inflammation of the arteries.

Dr. Popiel asked MA if she had lodged complaints against any of the other providers. MA stated no because none of the other providers gave her a diagnosis.

Dr. Rubin asked MA what was the cause of her GCA. MA stated they don’t even know. Dr. Rubin commented, exactly, you can’t tell me what the cause is. Why are you saying he misdiagnosed you, I am not saying he completely diagnosed you, but how can you say he mis-

diagnosed you when they can't tell you the cause of the GCA.

Dr. Popiel what is the underlying cause of the inflammation, the question is why is the inflammation there in the first place. I agree with Dr. Rubin that we certainly have data that suggests a viral component, and it was appropriate the way he was treating you. They have you on suppressive medication now, without knowing why the inflammation is there in the first place.

Dr. Sadilek asked MA if this had to be redone, what would you have liked him to do. She stated, ultimately when I went back he refused a refund.

Dr. Yosef made additional statements. I did not say I have all the answers, but I believe I found the root cause. I did not refund her money because I feel I did not treat her incorrectly.

Dr. Sadilek if you saw that in 24-48 hours not progression, would you have referred her, that's my concern. Dr. Yosef stated he absolutely would have referred her if there had been no progression, but she didn't give the treatment a chance.

Ms. Galan stated she does recognize MA's frustration, however I don't think there is anything here to discipline. Dr. Sadilek stated he agrees and made a motion to dismiss the case. Seconded by Dr. Popiel. Roll Call: Dr. Rubin; Aye, Dr. Spat; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; 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		

#### E. Dr. Kayla Sumberg, Case No. 19-117, Initial Review

On February 25, 2019, The State of Arizona Naturopathic Physicians Medical Board received information from the Arizona Department of Health Services (DHS), of a discrepancy in the number of certifications for medical marijuana submitted by Respondent in comparison to the number of times Respondent queried the Arizona Pharmacy Board Database. According to DHS, between July 1, 2018 through December 31, 2018, Respondent certificate 567 patients for medical marijuana, but only queried the pharmacy board database (PMP) 433 times.

Dr. Sumberg stated prior to going to the AzNMA medical marijuana she did not realize she needed to print out the PMP and put it in the file. Prior to that when checked, it would be checked after the certification. She stated she changed her process, and holds the certification until she checks the pmp. Dr. Rubin pointed out that she failed to check 15% of the certifications during a 6 month time frame. Dr. Popiel stated that she has already done additional CME in this area.



Ms. Galan stated she agreed that a Letter of Concern is appropriate, she has recognized and corrected her errors.

Dr. Popiel made a motion to issue a Letter of Concern for non-compliance with State Law when issuing medical marijuana certifications. Seconded by Ms. Galan. Roll Call: Dr. Rubin; Aye, Dr. Spat; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; 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		

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

- A. Draft Minutes of January 10, 2019 Regular Board Meeting.  
Dr. Popiel recused. Dr. Spat made a motion to approve the minutes, Seconded by Dr. Sadilek. Motion Carried 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.
- B. Draft Minutes of April 11, 2019 Regular Board Meeting.  
Dr. Rubin recused. Dr. Sadilek made a motion to approve the minutes. Seconded by Dr. Popiel. Motion Carried 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.
- C. Draft Minutes of May 9, 2019 Regular Board Meeting.  
Dr. Rubin recused. Ms. Galan made a motion to approve the minutes. Seconded by Dr. Sadilek. Motion Carried 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.
- D. Draft Minutes of July 11, 2019 Regular Board Meeting.
- E. Draft Minutes of July 11, 2019 Executive Session 12:54 p.m.
- F. Draft Minutes of July 11, 2019 Executive Session 1:16 p.m.
- G. Draft Minutes of July 11, 2019 Executive Session 2:15 p.m.
- H. Draft Minutes of July 11, 2019 Executive Session 2:18 p.m.
- I. Draft Minutes of July 11, 2019 Executive Session 2:27 p.m.
- J. Draft Minutes of July 11, 2019 Executive Session 2:47 p.m.  
Ms. Galan recused. Dr. Sadilek made a motion to approve 6 D. – J. Seconded by Dr. Popiel. Motion Carried 4 Ayes, 1 Recused, 1 Absent and 1 Vacant.

**7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING USE OF THE TERM SPECIALIST.**

The Board reviewed the definition of Specialist as specified in Board statute.  
No action taken.

**8. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING USE OF THE TERM BOARD CERTIFIED.**

The Board discussed the term Board Certified, and how it could potentially be misleading and considered unprofessional conduct under the Board's statute, if used in advertising without specification of what the physician is certified for and where the certification was obtained.

No action taken by the Board.

**9. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING USE OF ONCOLOGY CONSULTANTS IN BOARD INVESTIGATIONS.**

Dr. Sadilek state he believes the Board is capable of determining standard of care.

Ms. Anthony stated the Board always has the option at time of initial review, to have a case sent out for expert review in the event further information is needed by the Board.

No action taken.

**10. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATIONS FOR CERTIFICATE TO DISPENSE RENEWAL.**

A. Dr. Mia Darling

Dr. Rubin recused himself from this agenda item.

Dr. Sadilek made a motion to approve the application for renewal of certificate to dispense. Seconded by Dr. Popiel. Roll Call: Dr. Spat; Aye, Ms. Galan; Aye, Dr. Popiel; Aye. Motion Carried 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.

**11. FY2020 BUDGET PRESENTATION BY SUSIE MYERS, GENERAL ACCOUNTING.**

Ms. Susie Myers from General Accounting provided an overview of the FY2020 budget.  
No action taken.

**12. EXECUTIVE DIRECTOR'S REPORT**

A. Current Licensee and Certificate Holder Numbers

B. Current Number of Board Cases Under Investigation or Pending Before OAH

C. Legislative Update

SB 1062

HB 2463

HB 2569

HB 2075

SB 1086

HB 2118

There were no questions regarding the report. No action taken.

**13. FUTURE AGENDA ITEMS**

10

Naturopathic Physicians Medical Board  
August 8, 2019

Dr. Rubin requested an agenda item regarding an increase in board member pay.  
Dr. Rubin requested an agenda item regarding additional education on the requirements of medical marijuana certification.

**14. CALL TO THE PUBLIC**

No request to speak were received by the Board.

**15. ADJOURNMENT**

The Meeting was adjourned at 3:11 p.m.