



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. Marianne Marchese, ND – Vice Chair • Dr. Amy Terlisner, ND– Secretary/Treasurer,
Dr. John Eldridge, NMD– Physician Member - Michael D. Jones, - Public Member,
Jamie N. Bennett - Public Member, Karen Tibbitts- Public Member

MINUTES

BOARD MEETING

**Thursday, December 8, 2016 • 1:00 p.m. • Basement Conference Room B-1
1400 West Washington • Phoenix, AZ 85007**

1. CALL TO ORDER BY PRESIDING OFFICER

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

The meeting was called to order at 1:00 pm.

		SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	BENNETT	TIBBITTS	JONES
Present	7	x	x	x	x	x	x	x
Absent	0							

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

Present were: Ms. Sabrina Khan; Assistant Attorney General, Ms. Gail Anthony; Executive Director.

C. Introduction of New Board Member.

The Board welcomed Mr. Michael Jones.

D. Farewell and Thank You to Board Member Dr. Amy Terlisner.

The Board thanked Dr. Terlisner for her years of service as a member.

2. DECLARATION OF CONFLICTS OF INTEREST

NONE DECLARED

3. CIVILITY STATEMENT

In accordance with the Open Meeting Law, the Board has a civility policy that prohibits any type of disorderly conduct that disrupts the Board from carrying out its business. Those violating this policy will be asked to modify their behavior and act civilly. If the disorderly conduct continues, the person may be removed from the meeting room. (Adopted 11/8/2012).

4. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPROVAL OF THE BOARD MEETING MINUTES.

A. Regular Board Meeting Minutes of October 13, 2016.

Ms. Bennett made a motion to approve the minutes of the October 13, 2016 board meeting.

Seconded by Dr. Terlisner. Motion Carried 7 Ayes, 0 Nays.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	BENNETT	TIBBITTS	JONES
Yes	7	x	x	x	x	x	x	x
No								
Abstain								
Absent								
Recused								

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

The Consent Agenda items may be consideration for approval as a single action unless a Board Member wishes to remove the item for review. 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. Naturopathic Medical License Examination

George Nichols
Schottenstein, Melinda

B. Naturopathic Medical License by Endorsement

Erin Hayford, currently licensed in Washington, Reduced Scope License. (temporary license issued in accordance with A.R.S. § 32-1522.01)

C. Naturopathic Medical License Renewal

Adair, Roger
Allshouse, Anderew
Birdsall, Shauna
Borsa, Robin
Breiten, Valeria
Burns, Elaine
Christodoulakis, Theodosios
Collins, Kelly
Dardis, Mark
de Graaff, Sonja
Frank, Thomas
Gowey, Brandie
Hesler, Carolyn
Hoffman, Jordan
Icard, Melanie
Imundo, John
Jeffers, Monica
Johnson, Sonya
Kerievsky, Adam
Kilgore, Jennifer
Kim, Cho Long
Kinsley, India
Knapp, Michael
Kollin, Cheryl
Kupperman, Jami
Kwiatkowski, Laura

Lambert Rampe, Laura
Lambert, Linda
Le Prvost, Jean-Luc
Linton, LoRal
lovejoy,Rebecca
Lovick, Ann
Luevano, Libia
Martell, Laura
Martin, Lindsay
Mitchell, Jessica
Morris, Lance
Navarro, Alma
Nevels, Jennifer
Nuckolls, Katheryn
O'Brien, Kareen
O'Hara, Amy
Ortiz, Sara
Ostroot, Cory
Oxley, Barbara
Oxley, John
Palzner, Anne
Petke, Richard
Revak, Carol
Rhodes, Rachel
Rice, Elizabeth
Roberson, Amanda
Sager, Jeffrey
Seubert, Mychael
Shabez, Edward
Shiffler, Nichole
Sickinger, Karleen
Smekens, Michelle
Song, Crystal
Stone, Carolyn
Tabares, Amber
Tasalloti, Yasaman
Vaughan, Karen
Wazny, Philip
Weeshoff, Laura
Willhauck, Mihrage
York, Shannon
Zeller, Barrie
Ziol Judith Ann

D. Naturopathic Medical License Request to Retire

Lee, Stephen

E. Initial Certificate to Dispense

Briante, Carla
Cervigni, Maria
Cummins, Emy
Dean, Bridget
Dickerson, Wendy
Dragg, Darlyn

Gaston, Clark
 Griffith, Brandi
 Mowery, Travis
 Parent, Daina
 Pettitt, Michelle
 Richards, Calvin
 Romero, Kelly
 Salisbury, Lauren
 Schottenstein, Melinda
 Sowards, Dustin
 Sumberg, Kayla
 Valentin, Ann Charlotte
 Van Dyke, Amoze
 Wallace, Kristine

F. Reinstatement of Expired Certificate to Dispense

Chelson, Debora
 Meeds, Wilfred
 Turrell, Shana

G. Initial Certificate to Engage in Preceptorship Training

Schaefer, Cosima
 Smith, Ashley
 Thompson, Rebekah

H. Initial Certificate to Conduct Preceptorship Training

Taylor, Nicole

I. Renewal Certificate to Engage in a Clinical Training Program

Eickhorst, Leighanna
 Hammer, Angie
 Kodjo, Christelle
 Palasio, Myleen
 Rickard, Elizabeth
 Sayadian, Serop
 Stein, Ashley
 Walton, Karissa
 Williams, Allison

J. Certificate to Engage in a Clinical Training Program

Asberry, Blanchie

K. Initial Naturopathic Medical Assistant Certificate

Getz, Meagan

CONSENT AGENDA VOTE

Ms. Bennett made a motion to approve the consent agenda items 5 A -M. Seconded by Dr. Marchese. Motion Carried 7 Ayes, 0 Nays.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	BENNETT	TIBBITTS	JONES
Yes	7	x	x	x	x	x	x	x
No								
Abstain								
Absent								
Recused								

6. **REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE FOLLOWING INVESTIGATIVE INTERVIEWS.** 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. Steven Bescak, Case No. 16-053 - Investigative Interview

Dr. Bescak was present and represented by his attorney, Steven Perlmutter. The Board reviewed the allegations and responses submitted by Dr. Bescak. Dr. Bescak worked with DrReeferalz and certified patients for medical marijuana. Dr. Sadilek commented that Dr. Bescak did not adequately follow up with patients regarding medical care received by Dr. Bescak. Dr. Marchese stated that after a review of all the medical records, it appears that Dr. Bescak checked a lot of boxes on the medical marijuana certification form and other medical records without actually evaluating why the patient had chronic pain or the symptom of pain. Dr. Marchese stated that it appears as though Dr. Bescak’s medical marijuana certifications were driven by a financial motive. Dr. Marchese further stated that the owners of the medical marijuana clinic where Dr. Bescak is employed do not have a licensed that can be revoked or disciplined, and that the owners are simply using Dr. Bescak’s naturopathic license to make money. Dr. Marchese stated that it is the responsibility of the physician to protect his license, and that the Board requires that physicians meet the standard of care.

At 1:45 pm, Dr. Sadilek made a motion to go into Executive Session for Legal Advice. Seconded by Dr. Terlisner. Motion Carried 7 Ayes, 0 Nays.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	BENNETT	TIBBITTS	JONES
Yes	7	x	x	x	x	x	x	x
No								
Abstain								
Absent								
Recused								

The Board resumed regular session at 2:10 pm.

Dr. Terlisner stated this case shows Dr. Bescak's conduct presents violations of unprofessional conduct and standard of care. The Board outlined 70 examples of how Dr. Bescak’s conduct fell below the standard of care of a naturopathic physician as well as unprofessional conduct violations. Dr. Marchese made a motion to offer Dr. Bescak the opportunity to enter into a consent agreement with the following terms and conditions. Dr. Bescak’s naturopathic license will be placed on probation for three years, during this time he is restricted from certifying patients for medical marijuana. Dr. Bescak must complete 25 hours of continuing medical education and submit a civil penalty of \$2,000.00 civil penalty.

Seconded by Dr. Terlisner. Roll Call Vote: Mr. Jones, Aye, Ms. Tibbitts, Aye, Ms. Bennett, Aye, Dr. Terlisner, Aye, Dr. Eldridge, Aye, Dr. Marchese, Aye, Dr. Sadilek, Aye. Motion Carries 7 Ayes, 0 Nays.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	BENNETT	TIBBITTS	JONES
Yes	7	x	x	x	x	x	x	x
No								
Abstain								
Absent								
Recused								

B. Dr. Daniel Warren, Case No. 16-062 - Investigative Interview

Dr. Daniel Warren was not present, but David Williams, Attorney for Dr. Warren was present to explain this matter. Mr. Williams reviewed the history of the relationship between the complainant in this case, Envita Natural Medical Center, and at least some employees of Envita Medical Center. Evidence provided in this case reflects a lawsuit being processed by the State of Arizona Superior Court, which involves the complainant as the defendant, and Envita Natural Medical Center as plaintiff. After review, the Board determined there was no credible evidence to support the allegations. Dr. Marchese made a motion to dismiss the case. Seconded by Ms. Bennett. Motion Carried 7 Ayes, 0 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	BENNETT	TIBBITTS	JONES
Yes	7	x	x	x	x	x	x	x
No								
Abstain								
Absent								
Recused								

7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION ON APPLICATION FOR NATUROPATHIC 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. Sara Polanco, (temporary license issued in accordance with A.R.S. § 32-1522.01)

Ms. Polanco was present and explained the 2015 incident regarding being removed from an airplane. She stated she had complied with the ordered participation in anger management classes.

Dr. Sadilek made a motion to approve the application for naturopathic medical license.

Seconded by Mr. Jones. Motion Carried 7 Ayes, 0 Nays.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	BENNETT	TIBBITTS	JONES
Yes	7	x	x	x	x	x	x	x
No								
Abstain								
Absent								
Recused								

8. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING IMPLEMENTATION BY NORTH AMERICAN BOARD OF NATUROPATHIC MEDICAL EXAMINERS (NABNE)OF NEW ELECTIVE EXAMINATION IN PHARMACOLOGY.

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).

The Board discussed the information provided by NANBE regarding the elective pharmacology NPLEX examination. No action was required or taken on this agenda item.

9. REVIEW AND POSSIBLE ACTION ON REVISED BOARD DISCIPLINARY GUIDELINES.

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).

The Executive Director, Gail Anthony gave a brief overview of the proposed revision to the disciplinary guidelines.

She explained the proposed revision made changes only to the complaint category section of the

document, and included first, second and beyond 2 violation penalties. Dr. Terlisner made a motion to approve the revision. Seconded by Dr. Sadilek. Motion Carried 7 Ayes, 0 Nays.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TERLISNER Sec. /Tres.	ELDRIDGE	BENNETT	TIBBITTS	JONES
Yes	7	x	x	x	x	x	x	x
No								
Abstain								
Absent								
Recused								

10. EXECUTIVE DIRECTOR REPORT

The Executive Director gave a brief overview of the report, which included the possibility of seeking the Governor's approval for a rules package submission. Information regarding the possibility of board "transfer", including an overview of the Beacon report recommendations regarding non-health related boards. The results of the yearly medical marijuana unprofessional conduct report, Continuing Medical Education Audit report, along with the current certificate to dispense audit being conducted. The current budget numbers, license and certificate numbers and board case numbers were also included. Additionally, two AzNMA sunrise applications were reviewed. No action was required or taken on the items in the report.

11. CALL TO THE PUBLIC

Dr. Alusher from the Southwest College of Naturopathic Medicine requested to speak. She asked a question about NABNE's new elective pharmacology examination, but was informed the Board could not address her questions under call to the public. She was instructed to contact the board to have the item placed on the agenda for discussion during a future board meeting.

13. ADJOURNMENT

THE MEETING WAS ADJOURNED AT 4:05 PM