



State of Arizona Naturopathic Physicians Medical Board

“Protecting the Public’s Health”

1400 West Washington • Suite 230 • Phoenix, AZ 85007 • Telephone 602-542-8242 • FAX 602-542-3093

Website www.aznd.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. Marianne Marchese, ND – Vice Chair • Karen Tibbitts, - Public Member,
Dr. John Eldridge, NMD– Physician Member - Michael D. Jones, - Public Member,
Heston Silbert, - Public Member, Dr. Brian J. Popiel - Physician Member

MINUTES

BOARD MEETING

Thursday, February 9, 2017 • 1:00 p.m. • Basement Conference Room B-1
1400 West Washington • Phoenix, AZ 85007

1. CALL TO ORDER BY PRESIDING OFFICER

Dr. Sadilek called the meeting to order at 1:12 pm.

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

		SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec. /Tres.	ELDRIDGE	JONES	SILBERT	POPIEL
Present	5	x	x	x	x			x
Absent	2					x	x	
Vacant	0							

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

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

C. Introduction of New Board Members and Review of Board Protocol.

Dr. Sadilek introduced Dr. Brian Popiel to the Board, and announced the appointment of Mr. Silbert, who was not present at the meeting. Dr. Sadilek reviewed the Board's Roll Call Protocol.

2. DECLARATION OF CONFLICTS OF INTEREST

None Declared at the beginning of the Board meeting.

Board Members recused themselves throughout the course of the meeting:

Dr. Eldridge recused himself from agenda items 6A and 7A.

Dr. Sadilek recused himself from agenda item 8A.

Dr. Marchese recused herself from agenda item 8B.

Dr. Sadilek recused himself from agenda item 10 (Chairperson Board Member Vote)

Dr. Marchese recused herself from agenda item 10 (Vice-Chairperson Board Member Vote)

Ms. Tibbitts recused herself from agenda item 10 (Secretary-Treasurer Board Member Vote)

3. CIVILITY STATEMENT

Dr. Sadilek read the statement.

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

- A. Regular Board Meeting Minutes of January 12, 2017.
- B. Executive Session Meeting Minutes of January 12, 2017.

Dr. Marchese made a motion to approved the Regular Board Meeting Minutes and the Executive Session Meeting Minutes from January 12, 2017. Seconded by Ms. Tibbitts. Motion Carried 5 Ayes, 2 Absent.

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

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

- A. **Naturopathic Medical License by Examination**
Britton, Mallory
- B. **Naturopathic Medical License by Endorsement**
Edwards, Kevin, Reduced Scope (temporary license issued in accordance with A.R.S. § 32-1522.01)
- C. **Naturopathic Medical License Renewal**
Balduzzi, Anthony
Baxter, Kathy
Buratovich, Nick
Cavaiola, Matthew
Chilcoat, Aisha
Granger, Cheryl
Hazel, Sarah
Kouldelka, Barbara
Kruzel, Thomas
Manrique, Javier
Pihlgren, Lauren
Quinn, Francesca
Stratton, Susan
Sweet, Frank
Triplett-Foss, Paula
Wallace, Norman
Wdowin, Garrett
Weiss, S.A. Decker
Wolf, Jacob
Yosef, Isaac
Zupa, Victoria
- D. **Naturopathic Medical License Reinstatement of Retired License.**
Forbes, Cathy
O'Rourke, Kristen
- E. **Initial Certificate to Dispense**
Banaian, Azam

- Regino, Gabriela
Whitney, Travis
- F. **Reinstatement of Expired Certificate to Dispense**
Alejandro, Angelina
Eggerling, Chrystie
- G. **Renewal Certificate to Engage in a Clinical Training Program**
Jones, Greg
Manter, Alexandra
Richardson, Dorian
Shashtri, Nisharg
Wirth, Alexxa
- H. **Certificate to Engage in a Clinical Training Program**
Dastas, Jose
Murphy, Julie

CONSENT AGENDA VOTE: Dr. Marchese made a motion to approve consent agenda items 5 A - H. Seconded by Ms. Tibbitts. Roll Call, Motion Carried, 5 Ayes, 2 Absent

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

6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING THE FOLLOWING INVESTIGATIVE INTERVIEW.

A. Dr. John Eldridge, Case No. 16-060 - Investigative Interview

Dr. Eldridge recused himself. Ms. Anthony gave an overview of the case. The complainant is a psychiatrist for St. Lukes Behavioral Health. The complainant-psychiatrist was present and communicated to the Board why he filed the complaint in this matter. The complainant-psychiatrist stated his concerns regarding Dr. Eldridge's prescribing pattern for a particular patient that was receiving inpatient medical care from complainant at St. Lukes Behavioral Health. While under care at St. Lukes Behavioral Health, the patient disclosed he was receiving his current medications from Dr. Eldridge. The complainant-psychiatrist stated concerns that the medications prescribed were dangerous in quantity and in combination with other medications. Further, the complainant-psychiatrist expressed concern that the patient's diabetic condition was not taken into account and that the medication further exacerbated the patient's diabetic condition. The complainant-psychiatrist ran a controlled substance prescription monitoring program report with the Arizona Board of Pharmacy. The complainant-psychiatrist discovered what he believed to be a pattern of dangerous prescribing by Dr. Eldridge. The complainant-psychiatrist stated he sent a letter to Dr. Eldridge explaining his patient is currently under medical care at St. Lukes Behavioral Health and has a severe mental illness that includes suicidal ideations. The complainant-psychiatrist states the letter further outlined his concerns over the prescribing regime performed by Dr. Eldridge and that Dr. Eldridge should have referred this patient to a mental illness specialist and for pain medication addiction. According to the complainant-psychiatrist, he did not receive a response.

Dr. Marchese expressed concern regarding Dr. Eldridge's prescribing pattern and medical charting practices. She stated that from the records, she sees Dr. Eldridge prescribing Opioids, Benzodiazepines, and Carisoprodol for pain, however she does not see adequate medical charting in any of the patient records reviewed, to supports the prescriptions. There is no information as to why the patient had pain to begin with, there is no medical history, whether other modalities were tried

and the outcome, whether there were other forms of medications tried other than opioid medications, and whether there was any imaging done. She reminded Dr. Eldridge that the medical record is a legal document and that he needs to make a medical record of his encounters with patients.

Dr. Eldridge responded that he spends a lot of time talking to patients, but that he does not have time to write everything down in the chart. He stated he takes care of a lot of personal injury cases, and currently has 48 personal injury cases that he has to prescribe medication to. He said he prescribes in low dose so he does not worry about addiction and commented that patients who are being treated for pain don't get addicted. Dr. Eldridge stated other modalities are not typically tried prior to the prescriptions being given, that the patients come in with a preconceived notion of how they want you to treat them, they know what they want.

Dr. Sadilek pointed out that the medications and combination of medications being prescribed are dangerous. He asked Dr. Eldridge how long does he keep the patient on pain medications and does he have had a plan for each patient to taper down the dosages. Dr. Eldridge answered that it depends, its almost an afterthought because the patient typically weans themselves off. Dr. Sadilek asked about all the prescriptions medications Dr. Eldridge purchases for in office use. He wanted to know if he kept prescription logs. Dr. Eldridge states he keeps the medications locked up and he keeps a prescription log. Dr. Sadilek stated he agreed that the records seem incomplete. It is noted that none of the charts reviewed by the Board include intake documentation or documentation identifying these patients as being personal injury patients.

Dr. Popiel stated when he looks at the charts, they do not appear to be complete and a physician could not look at the chart notes and continue care. He commented that he also has a busy practice, however he appropriately documents in the chart. He requested information on why Dr. Eldridge believes that patients who take medication for pain do not get addicted. Dr. Eldridge stated he read it someplace and offered to supply Dr. Popiel with the documentation.

Dr. Marchese discussed one of the patient records reviewed and pointed out, according to the record, the patient's complaint of back pain progressed to include pain and numbness of right leg and then pain and numbness of both legs, over the course of a few visits, and that Dr. Eldridge failed to address why the pain was progressing, but simply kept writing prescriptions.

Dr. Sadilek made a motion to go into Executive Session for Legal Advice. Seconded by Dr. Marchese. Motion Carried 4 Ayes, 1 Recused, 2 Absent.

Regular Session resumed at 2:50 pm.

Dr. Sadilek asked Dr. Eldridge if he is willing to enter into a consent agreement. Dr. Eldridge responded that he was willing.

Dr. Sadilek made a motion to go into Executive Session for Legal Advice. Motion Carried 4 Ayes, 1 Recused, 2 Absent.

The Board resumed Regular Session at 3:20 pm.

Dr. Sadilek made a motion to offer a consent agreement with the following terms, 1 year probation, during the first six months of the probationary period, Dr. Eldridge must complete 30 hours of continuing medical education in pain management, record keeping/charting, and medical diagnosis. The 30 hours will be in addition to the 30 hours required each year for license renewal. Dr. Eldridge must submit a copy to the Board of his in office dispensing log for 2016 and 2017. The Board will run periodic controlled substance prescription monitoring program audits to monitor prescribing habits, random chart audits by the Board to monitor record keeping issues, and any patient being prescribed Opioid medications will be required to return for regular assessment with a face to face encounter, before refilling the Opioid medication.

Seconded by Dr. Marchese. Roll Call, Motion Carried 4 Ayes, 1 Recused, 2 Absent.

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

A 5 minute Break was taken.

The Board resumed Regular Session at 3:50 pm.

B. Dr. Kam Tecaya, Case No. 16-055 - Investigative Interview

Dr. Tecaya was present. Ms. Anthony gave an overview of the case. Dr. Tecaya stated she has worked for "Dr.Reeferalz" for two years. Dr. Marchese stated in review of the records, it appears Dr. Tecaya did not make a diagnosis as to why the patient had the pain, and while she may have referred some of the patients out for x-rays or other modalities, she still gave the patient the certification card prior to obtaining the results. Dr. Marchese stated it appears medical marijuana certifications are being made based off of the symptom of pain, without the physician establishing care and rendering a professional medical judgment as to why the patient has pain. Dr. Marchese stated that pain is a symptom of another problem or medical issue, and that it is the professional responsibility of the physician to determine the cause of pain.

Dr. Sadilek made a motion to go into Executive Session for legal advice. Seconded by Dr. Marchese. Motion Carried 5 Ayes, 2 Absent.

The Board resumed Regular Session at 4:45 pm.

Dr. Sadilek asked Dr. Tecaya if she was willing to enter into a consent agreement. She stated she was. Dr. Sadilek made a motion to offer a consent agreement for 1 year probation, restriction from certifying for medical marijuana, and requirement of additional continuing medical education. Dr. Marchese stated that Dr. Tecaya should protect her license and perform complete medical exams of patients making a diagnosis with supporting documentation. Dr. Sadilek stated it is a standard of care issue, and seconded the motion. Roll Call: Motion Carried 5 Ayes, 2 Absent

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTST Sec. /Tres.	ELDRIDGE	JONES	SILBERT	POPIEL
Yes	5	x	x	x	x			x
No								
Abstain								
Absent	2					x	x	
Recused								
Vacant	0							

C. Dr. Steven Katz, Case No. 16-050 - Investigative Interview

Dr. Katz was present. Ms. Anthony gave an overview of the case, which was a medical malpractice claim, brought to the attention of the Board by the insurance company. Dr. Sadilek asked Dr. Katz if he was still performing the Platelet-Rich Plasma ("PRP") facial treatments, which resulted in the malpractice insurance claim. Dr. Katz stated he was still performing PRP facials; however, he has tightened up his patient screening process. Dr. Marchese asked if he noticed an active cold score on the patient at the time of the treatment. Dr. Katz stated there was not an active cold sore at the time of treatment. According to the agreement with the insurance company, a settlement was entered into for the purposes of avoiding the

uncertainty and expense of litigation, and that liability was expressly denied. The Board further took into consideration a naturopathic physician's written medical review who also performs aesthetic procedures. That naturopathic physician's written reviewed stated that Dr. Katz acted with great care of the patient and in accordance with cosmetic procedures.

Dr. Sadilek made a motion to dismiss the case. Seconded by Dr. Marchese. Roll Call, Motion Carried 5 Ayes, 2 Absent.

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

7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATIONS FOR RENEWAL OF A NATUROPATHIC MEDICAL LICENSE WITHOUT PREJUDICE TO ANY ONGOING INVESTIGATION.

- A. Dr. John Eldridge
- B. Dr. Kam Tecaya

Dr. Eldridge recused himself. Dr. Marchese made a motion to approve the applications for renewal of medical license. Seconded by Ms. Tibbits. Roll Call: Motion Carried 4 Ayes, 1 Recused, 2 Absent.

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

8. CONSENT AGENDA - REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATIONS FOR RENEWAL OF NATUROPATHIC MEDICAL LICENSE.

- A. Dr. Bruce Sadilek

Dr. Sadilek recused himself. Dr. Marchese made a motion to approve the application for license renewal. Seconded by Ms. Tibbits. Roll Call: Motion Carried 4 Ayes, 1 Recused, 2 Absent.

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

- B. Dr. Marianne Marchese
- C. Dr. Tracy Magerus
- D. Dr. Jonathan Psenka
- E. Dr. Michelle L. Retz
- F. Dr. Frank Taburri

Dr. Marchese recused herself. Dr. Sadilek made a motion to approve the applications for license renewal. Seconded by Ms. Tibbits. Motion Carried 4 Ayes, 1 Recused, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec. /Tres.	ELDRIDGE	JONES	SILBERT	POPIEL
Yes								
No								
Abstain								
Absent								
Recused								
Vacant								

Yes	4	x		x	x			x
No								
Abstain								
Absent	2					x	x	
Recused	1		x					
Vacant	0							

9. REVIEW, CONSIDERATION, AND POSSIBLE ACTION ON APPLICATIONS FOR CERTIFICATE TO ENGAGE IN A CLINICAL TRAINING PROGRAM.

A. Kelsey Reblin - Review of Letter from treating physician.

Mr. Reblin was present. The Board reviewed the letter submitted by the treating physician. Dr. Marchese made a motion to approve the application for clinical training in the form of a consent agreement that includes periodic updates from the treating physician every two months for one year. Seconded by Dr. Sadilek. Motion Carried. Roll Call: 5 Ayes, 2 Absent

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

B. Sandra Spangler

Ms. Spangler was present. Dr. Sadilek asked if she had any continued problems with alcohol since the 2005 incident. She stated she had not. Dr. Sadilek made a motion to approve the application for clinical training. Seconded by Ms. Tibbits. Motion Carried. Roll Call: Motion Carried 5 Ayes, 2 Absent

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

10. REVIEW, CONSIDERATION, AND ACTION REGARDING ELECTION OF BOARD CHAIRMAN, VICE-CHAIRMAN, AND SECRETARY-TREASURER.

Dr. Marchese made a motion to approve Dr. Sadilek as Chair. Dr. Sadilek recused himself. Ms. Tibbits seconded the motion. Roll Call: Motion Carried 4 Ayes, 1 Recused, 2 Absent.

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

Dr. Sadilek made a motion to approve Dr. Marchese for Vice-Chair. Dr. Marchese recused herself. Ms. Tibbits seconded the motion. Roll Call: Motion Carried 4 Ayes, 1 Recused, 2 Absent

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec. /Tres.	ELDRIDGE	JONES	SILBERT	POPIEL
Yes	4	x		x	x			x
No								

Abstain								
Absent	2					x	x	
Recused	1		x					
Vacant	0							

Dr. Marchese made a motion to approve Ms. Tibbitts as Secretary/Treasurer. Ms. Tibbitts recused herself. Dr. Eldridge seconded the motion. Roll Call: Motion Carried 4 Ayes, 1 Recused, 2 Absent

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

11. CALL TO THE PUBLIC

Brad Rosenfeld addressed the Board. Mr. Rosenfeld stated that he is a shareholder of Dr.Reeferlz and that Dr. Reeferlz wants to be in compliance. Mr. Rosenfeld stated that his business made a purchase of machines used to take patients vital signs. Mr. Rosenfeld wants Dr.Reeferlz to have the necessary equipment for their physicians to practice medicine adequately.

12. DISCUSSION AND CONSIDERATION OF EXECUTIVE DIRECTOR’S REPORT

A. Executive Order 2017-02

Ms. Anthony briefly explained this executive order regarding rulemaking and her plans to reach out to stakeholders and licensees in the naturopathic community so that they may provide feedback to the Board.

B. Current Legislation

1. SB 1072 – Ms. Anthony provided a brief update.
2. HB 200 - Ms. Anthony provided a brief update.
3. HB 2197 - Ms. Anthony provided a brief update.
4. HB 2075 - Ms. Anthony provided a brief update.
6. HB 2378 - Ms. Anthony provided a brief update.
7. SB 1452 - Ms. Anthony provided a brief update.

C. Budget - Ms. Anthony provided a brief update in that the Board is solvent at this time.

D. License and Certificate Data - Ms. Anthony provided the licensing data.

E. Board Case Data - Ms. Anthony provided the case data.

13. FUTURE AGENDA ITEMS

No one requested any future agenda items.

14. ADJOURNMENT

Dr. Marchses made a motion to adjourn the meeting. Seconded by Dr. Sadilek. Motion Carried 5Ayes, 2 Absent. The meeting was adjourned at 5:15 pm.