



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

Diva Galan – Public Member, Vacant – Public Member

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

MINUTES

**Thursday, July 11, 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.

The meeting was called to order by Dr. Sadilek at 12: 07 P.M.

Ms. Anthony called roll.

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

Dr. Rubin joined the meeting at 12:15 P.M.

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

Dr. Sadilek acknowledged Ms. Sabrina Khan, Assistant Attorney General,

Ms. Gail Anthony, Executive Director.

2. DECLARATIONS OF CONFLICTS OF INTEREST

Dr. Rubin recused himself from agenda item 5 B.

Dr. Sadilek recused himself from agenda item 9 B.

Dr. Spat recused himself from agenda item 9 A.

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

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

Sandoval-Becker, Estrella (temporary license issued in accordance with A.R.S. § 32-1522.01)

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

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

B. Naturopathic Medical License by Endorsement

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

C. Initial Certificate to Dispense

Arnold, Kenya

Sandoval-Becker, Estrella

Donohue, Whitney

Green, Wendy

Habashy, Jennifer

Khuat, Christine

Kwan, Calvin

Markison, Laura

Poulin, Corrine

Rabizadeh, Homan

Ramirez, Lena

Sayadian, Serop

Schneller, Katherine

D. Renewal Certificate to Dispense

Abbott, Crystal

Adams, Konstantina

Aidun, Sima

Albornoz-Sanchez, Leah

Alejandro, Angelina

Allen, Jason

Alvarez, Wilbert-John

Anderson, Allen

Anderson, Erin

Anderson, Kristy

Anderson-McLaughlin, Jessica

Archambault, Brian

Armanti, Christian

Aton Robins, Nancy

Attah Prince, Ubong

Audette, Kathleen

Austin, Kristin

Avakian, Ara

Axelrod, Leslie
Bachelier, Aimee
Badalamenti, Laura
Bain, Jaclyn
Bakty-Johnson, Esti
Balentine, Lynnette
Banaian, Azam
Banker, Rosanna
Bantel, Dawn
Baral, Matthew
Barnett, Kevin
Barrantes, Teresita
Barraza, Michelle
Barreda, Nicole
Barth, Inge
Beardsley, Lauren
Beck, Forrest
Belt, Amber
Bennett, Sarah
Bennett, Shannon
Beynon, Stephanie
Bilyeu, Angela
Binder, Chantal
Bird, Robb
Black, Seth
Blasi, Jennifer
Bloom, Laura
Borsa, Robin
Boyer, Veronica
Bradford, Alan
Briante, Carla
Brooks, Barbara
Brown, Warren
Bryant, Roselynde
Buratovich, Nick
Burns, Jennifer
Calimeri, Susan
Carpenter, Rebecca L.
Carrell, Carol
Castle, Holly
Ceballos-Logan, Gladys
Cervigni, Maria
Chambers, Keith
Christian, Shonna
Christianson, Alan
Chung, Ashley
Cline, Christine

Clough, Kelly
Contreras-Lopez, Andrea
Cooke, Rebecca
Coombs, Emily
Corachides, Alexander
Cornman, Daphne
Correia, Kirstin
Craig, David
Cramer, David
Cronin, Kyle
Cronin, Michael
Crowley, Rachel
Culver, Alyssa
Cummins, Emy
D'Aprile, Delores
D'Armata, Annette
Dardis, Mark
Davenport, Emily
De La Torre Hogan, Elizabeth
De Soler, Alexander
Deal, Sheldon
Dean, Bridget
Dean, Jeffrey
Dean, Vanessa
Decio de Escobar, Marcos
DeFilippo, Mary
Deroin, Cheryl
Despotides, Bianca
Dickerson, Wendy
Drobot, Jeoffrey
Dye, Jennifer
Dye, John
Eastman, Carole
Eaton, Lois
Edwards, Kevin
Eggerling, Chrystie
Ehrlich, Steven
Ellis, Erin
Ellsworth, Robert
Engard, Kimberly
Espinol, Raquel
Esquerdo, Ramon
Ewald, Jaime
Ezrre, Barbara
Feria, Lilia
Fine, Anne Marie
Fitzgerald, D. Erin

Flagler, Lilia
Flagler, Samuel
Flynn, Julie
Fontaine, De Adrea
Franco, Gioacchino
Fujii, Kristen
Fuller, Carolyn
Gaines, Patricia
Galaburri, Mario
Gallagher, Jeanette
Gariboldi, Matthew
Gaston, Clark
George, Marietta
Gianni, Judy
Glenn, Laura
Gliniecki, Michele
Godman, Susan
Goetz, Chad
Golay, Kira
Grady, Elizabeth
Graham, Stephanie
Graham, Stephanie
Green Lustig, Kimberly
Greenfield, Jacqueline
Greengard, Kristina
Grey, Laurence
Grimes Saber, DeeAnn
Grise, Diane
Grund, Andrea
Haebe, Patricia
Haller, Danite
Ham, Natalie
Hamilton, Cheryl
Hampton, Eric
Harris, Breckin
Harris, Kimberly
Hasselbrock, Rachel
Havens, Jennifer
Hawks, Jennifer
Helioti, Maria
Helms, Laurent Stephun
Helser, Carolyn
Hendricks, Jane
Heredia, Francisco
Hering, Lance
Hernandez, Matthew
Highfield, Janice

Hines, Sharon
Hinojosa, Cynthia
Hinojosa, Judith
Ho, Tien
Hoang, Melanie
Hobi, Annette
Holloway, Ronelle
Hooker, Laree
Hoover, Tanisha
Hu, YiQiu
Hull, Ginger
Husami, Margaret
Hutyrova, Daniela
Ian, Hanna
Ipson, Jarom
Jacques, F. Debbie
Jain, Suneil
Janjua, Kiran
Jatta, Ebrahim
Jensen, Jason
Johnson, Nick
Johnson, Sonya
Jollie, Jane
Jonas, Mary Dawn
Jones, Greg
Jones, Judith
Kaplan, Steven
Karbon, Chelsea
Karcheski, Dorothy
Kasdorf, Cheryl
Katz, Steven
Kearney, Elisabeth
Keiffer, Julie
Kennedy, Laura
Kennedy, Shaun
Keranen, Emily
Kerievsky, Ross H.
Kerr, Veronique
Khoshaba, Linda
Kim, Cho Long
Kinsley, India
Knapp, Michael
Knytych, Jeffery
Kohler McLeod, Gemie
Kollin, Cheryl
Kopcio, Jordan
Koudelka, Barbara

Krch, Ryan
Krueger, Dylan
Krukowski, Jody
Kubacz, Cheryl
Kupperman, Jami
Kwan, Laurinda
Lamb, Karen
Lambert, Linda
Lara, Ana
Larke, Daniel
Lashutka, Kenneth
Lee, Jeffrey
Lee, Stephen
LeProvost, Jean-Luc
Lewis, Danielle
Lima, Paula
Linton, LoRal
Logan, Darla
Lopez, Jorge
Lovick, Ann
Lussier, Spice
Macsay, Susanne
Magerus, Tracy
Malina, Gabriela
Markham, Jennifer
Markison, Laura
Martin, Lindsay
Matijevic, Dejan
Matthias, Ronald
Maturo, Lisa
May, Jasmine
Mayer, Alexandra
Maymon, Scott
McAllister, Heath
McCalla, Bethany
McCarthy, Brendan
McConnell, Michelle
Mcdaniel, Allison
Mcgee, Healthier
McHenry, David
McJunkin, Clinton H.
Mendoza, Dianna
Meraz Ramanan, Samantha
Messer, Stephen
Milhizer, Ashley
Miller, Rebecca
Milligan, Christopher

Mitchell, Jessica
Mittman, Arie
Mittman, Laura
Mizera-Lieske, Kimberlyn
Mkrtchyan, Anna
Mnguni, Sibongile
Molina, Jose
Monterrey, Danya
Moore, Brandi
Mora, Carmen
Moreno, Celaine
Morstein, Mona
Mowery, Travis
Muhammad, Hanifah
Muhammad, Kim
Musset, Jeannette
Myatt, Dana
Nagallo, Krisel
Nave, Gaynel
Nelson, William
Nevels, Jennifer
Nguyen, Krystine
Nikolic, Elizabeth
Nordin, Anna
Noronha, Bethania
Norris, Kristi
Novakova, Katka
Nowak-Stears, Julie
O'Brian, Kareen
O'Brien, Mary Ellen
O'Connell, Rachael
Olic, Sandra
Orlowski, Andria
Orlowski, Jennifer
Oxley, Barbara
Oxley, John
Ozalan, Glenn
Papadeas, Nathan
Parent, Daina
Patrice, Analiah
Patterson, Chad
Peachy, Miriam
Peyman, Tara
Pinazza, Anthony
Placella, Naomi
Polec, Will
Potts, Jeffrey

Predmore, Leslie
Price, Tess
Pringle, Matesa
Proefrock, Kenneth
Purcell, Andrea
Purvis, Kathryn
Qamar-Busler, Leticia
Rames, Oceana
Ramsey, Theresa
Randahl, Samantha
Redwine, Alison
Reker, Mary
Retz, Michelle
Revak, Carol
Reveron, Jorge
Reynolds, Thomas
Rezaie, Saman
Rhodes, Rachel
Riabikina, Irina
Riaz, Samar
Rice, Elizabeth
Rich, Gregory
Richardson, Dorian
Rittling, Carrie
Roberson Alexander, Amanda
Robinson, John
Rodriguez, Odessa
Rodriquez, Yolanda
Romer-Bosch, Cristina
Romero, Kelly
Roos, Kristin
Rosario Beitel, Sue
Ruinard, Leytocha
Ruiz, Guillermo
Rundle, Graciela
Sabeti, Arash
Saldivar, Lutea
Salisbury, Lauren
Salzwedel, Kristen
Santora, Marie
Sax, Rebekkah
Saydman, Michele
Schottenstein, Melinda
Schwaiger, Timothy
Schwehr, Maureen
Seder, Jeffrey
Seenauth, Casey

Seitz, Stephanie
Selvey, Don
Sexton, Trevor
Shafferman, Madelein
Shams, Marcus
Shaw, Anne
Shiffler, Nichole
Sickinger, Karleen
Simmons-Stuber, Margie
Simone, Myleen
Skelton, Janice
Skubisz, Corey
Slater, Darrienne
Smialek Ford, Kiera
Smith, Bradley
Solt, Sabrina
Song, Crystal
Sorr, Steven
Spence, Wayne
Spooner, Carol
Spurgeon, James
St. Clair, Julia
St. Rose, John
Stage, Katrina
Steen, Taelor
Stefanski, Jessica
Steinberger, Katrina
Steinke, Rhonda
Stone, Sarah
Strand, Roxie
Stratton, Andria
Strom, Mark
Sumberg, Kayla
Summers, Alisa Joy
Swartz, Tara
Sweet, Frank
Sykes-McKeen, Erika
Szeto, Katherine
Tabares, Amber
Taddiken, Elizabeth
Tade, Carline
Tallcouch, Damon
Tallman, David
Tallman, Ty
Tamburri, Frank
Tapia, Paola
Tasalloti, Yasaman

Tayler, Tevna
Taylor, Jennifer
Tecaya, Kam
Tenney, Michelle
Terranella, Robin
Thacker, Meghna
Thanki, Meghana
Thatcher, Michelle
Thom, Dickson
Thomas, Suzanne
Thoreson, Kaylee
Tizio, Gina
Toghyani, Jeannette
Tolz, Jessica
Treen, Shannon
Troutt, William
Truong, Tue
Tucker, Michelle
Turner, Jessica
Turner, Leila
Turner, Mary Jo
Udell, Eric
Upchurch, Robert
Uzick, Michael
Valertin, Ann-Charlotte
Van Dyke, Amoz
Ventura, Jose
Vesco, Teresa
Vitaro, Nathan
Volk, Kimberly
Vose, Erik
Wagner, Amy
Waldman, Renee
Wallace, Kristine
Warren, Brittany
Wayne, Emilee
Weiner, Andrea
Weirick, Susan
Werner, Stefanie
Weyrich, Orville
Whaley, Amanda
Wheeler, Miriam
Whelchel, Rebecca
White, Iasha
Whitsell, Melinda
Wick, Bonnie
Willfahrt, Karen

Willhauck, Mihrage
Williams, Allison
Williamson, John
Williamson, Phillip
Wilson, Emilie
Winnett, Kelly
Winter, Erin
Wittman, James
Wojciak, Bret
Wolf, Jacob
Wooten, Tracy
Worden, Donese
Wright, Berline
Wright, Kimberly
Wright, Robyn
Xan Simonson, Nina
Zdan, Jill
Zeller, Barrie
Ziol, Judith

E. Initial Certificate to Engage in a Preceptorship Training Program
Tate, Keshia

F. Initial Certificate to Engage in a Clinical Training Program
Aguilar de Jesus, Myrna
Drozda, Brianna
Hayes, Sarah
Kamwee, Paw
Robinson, Kristin

G. Renewal Certificate to Engage in a Clinical Training Program
Ali, Hibo
Baayeh, Harriet
Barach, Michael
Bausch, Charissa
Berusch Gerardino, Adriana
Borghese, Cassandra
Call, Stephen
Conway, Sydney
Cordova, Evelyn
Fiorillo, Melanie
Gaolloway, Kailyn
Hertzog, Maria
Hujer, Nicole
Kathireson, Kanishta
Kelly, Kimberly
Kleinpeter, Aaron

Krommidas, Eleni-Lemonia
Levingston, Robert
Levy, Samantha
Loran, Nicole
Macartney, Arianna
Marshall, Amanda
McKellar, Matthew
Miro Ros, Gabriela
Montag, Abigail
Morales, George
Nguyen, Amanda
Nola, Daniel
Orme, Michelle
Puchalski, Keely
Rainier, Tonia
Rodriguez, Valerie
Sullivan, Dayne
Thobe, Elaine
Villacorta, Edward
Waddell, Rikki
Warren, Kira
Werner, Mykayla
Wingo, Ebony
Wulfert, Alyssa

H. Initial Certificate to Conduct a Preceptorship Training Program

Aghenta, Anthony
George, Marietta
Kwan, Calvin

I. Renewal Certificate to Engage in a Preceptorship Training Program
York Tiffany

J. Renewal Medical Assistant Certificate

Allen, Lindsay
Arvayo, Dannia
Diaz, Lucia
Dixon, Leanna Jean
Gonzales, Angela
Monaco, Melissa
Robleske, Erica
Sanchez, Susan
Shelton, Susan
Varnau, Debra
Vega Osuna, Miriam

CONSENT AGENDA VOTE: Dr. Popiel made a motion to approve consent agenda Items 4 A – J. Seconded by Ms. Tibbitts. 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. Dr. De Adrea Fontaine, Case No. 19-119, Initial Review

Dr. Fontaine was present with Attorney Steven Perlmutter.

Ms. Anthony summarized in February of 2019, the Board received information from the Arizona Department of Health Services of a discrepancy in the number of certifications written by Dr. Fontaine for medical marijuan, and the number of times she queried the Arizona Pharmacy Board database. The numbers provided by the Department of Health were 367 certification were submitted between July 1, 2018 though December 31, 2018, but Dr. Fontaine only queried the database 161 times. 5 patient records were subpoenaed for review. Dr. Fontaine was only able to provide records for 3 of those patient. Ms. Anthony summarized the review findings for the medical records of the three patients provided the board.

Ms. Anthony referenced the response to the board dated June 4, 2019, where in the conclusion portion, Dr. Fontaine does admit to not querying the database on all patients.

In his statement to the Board, Attorney Steven Perlmutter discussed the PMP stating he felt the numbers were skewed, and he estimates Dr. Fontaine did query roughly 70 percent of her patients during that timeframe, admitting she did not query every patient as she was required to do, but she recognizes that error and has made significant changes in her management of the CSPMP database. Mr. Perlmutter stated he believes the medical records satisfy the requirements of the medical marijuana program. All the patients reviewed were referred by Dr. Ashley McGee, were seen by Dr. Fontaine the same day and each brought Dr. McGee’s medical record with them. Mr. Perlmutter stated Dr. Fontaine knows she should have checked the vital signs for each patient, especially since the prior doctor did not, and that she is committed to continued practice improvement

Dr. Sadilek asked Dr. Fontaine to clarify her patient process.

Dr. Fontaine summarized her patient intake process including the intake process, a focused intake, focused physical exam. Then after review of all the records, she confirms if the patient is a candidate for medical marijuan.

Dr. Sadilek asked Dr. Fontaine what prevented her from obtaining the queries on the 30 percent. Dr. Fontaine stated she waited to complete all the paperwork at the end of her workday, and if she forgot to query, it was not intentional.

Ms. Galan asked if her process has changed. Dr. Fontaine stated that now she does not complete the certificate form before she looks at the person. Dr. Popiel stated it seems too little too late to do it after the fact, and asked if she had concern on certifying someone without imaging?

Dr. Fontaine state now, she does not sign the certificate until after looking up the patient's PMP, and that she may wait until the next day or the day after. She stated she does always ask the patient if they had previous imaging, but that the majority of her patients do not have insurance.

Dr. Rubin asked what her certification rate was. Dr. Fontaine stated for pain it was between 75 and 80 percent. Dr. Fontaine explained she does not do medical marijuana all the time, that she has a private practice where she may see medical marijuana patients a few hours once a week. She added the she also works for an established medical marijuana practice a few hours a week. Dr. Fontaine stated that when a medical marijuana patient comes to her, the medical record has to show that they do have the condition that they are claiming they have, but that they are not coming to her as a primary care physician.

Dr. Sadilek stated that there are two issues, one is the PMP and the other is the chart notes, that she should hold the chart until all the paperwork is complete. Additionally, she should make sure she does a complete physical examination. He noted she did complete an additional 10 hours in CME in medical marijuan.

Dr. Rubin stated he does not think the medical records are sufficient and used the example of patient N.W. commenting I can't pick this up and see this patient. Dr. Fontaine stated she has long conversations with the patients. Dr. Rubin commented I don't know that. And you didn't check the PMP 30 percent of the time, you just didn't do it. You make a note the pharmacy board records are satisfactory, but I don't see a note of what was in those records or past records.

12:54 P.M. Dr. Rubin made a motion to go into executive session for legal advice. Seconded by Dr. Sadilek. Motion carried 6 Ayes, 1 Vacant.

1:01 P.M. The board returned to opens session.

Dr. Spat stated he was concerned she was not doing a physical exam and about her charting and perhaps a consent agreement for 6 months for charting reviews.

Ms. Tibbitts asked, where does it say *focused* physical exam on the certification form, because the form states physical examination of the qualifying patient, and therefore wouldn't a physical examination also include vitals. Mr. Perlmutter stated yes, the vitals should have been done.

Ms. Galan commented a consent agreement would be the best way to monitor.

Dr. Popiel stated he is concerned she is just sort of checking off the boxes, He suggested a letter of reprimand and follow up in six months.

Dr. Sadilek suggested a letter of concern and a voluntary review of charts.

Ms. Galan stated that the Board could not hold Dr. Fontaine to that.

Dr. Rubin stated she is utilizing her ability to prescribe, and not checking 30 percent which is significant, and deficiencies in charting were found.

Dr. Popiel agreed with Dr. Rubin, and commented he would like to see some follow up.

Ms. Tibbitts stated Dr. Fontaine was not taking the physician attestations seriously.

1:15 P.M. Dr. Rubin made a motion to go into executive session for legal advice.

Seconded by Ms. Tibbitts. Motion carried 6 Ayes, 1 Vacant.

1:24 P.M. The board returned to opens session.

Ms. Tibbitts stated Dr. Fontaine has been proactive and she does not think it rises to the level of disciplinary action but that she would like to make a motion for letter of concern regarding her checking the attestation form with non-disciplinary CME order for 10 hours of charting.

Ms. Galan stated she was not sure about the CME since she had already done some.

Dr. Sadilek suggested a letter of concern and a non-disciplinary order for 6 hours of CME in medical charting and physical assessment, to be completed in six months, and cautioned Dr. Fontaine to hold the certification form until all the information has been gathered.

Ms. Tibbitts restated her motion to reflect Dr. Sadilek's suggestion. Seconded by Dr. Rubin. Roll Call: Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye with caution as stated, Ms. Tibbitts: Aye, Dr. Spat; Aye. Motion carried 6 Ayes, 1 Vacant.

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

Recused	0							
Vacant	1					x		

B. Dr. Kenneth Lashutka, Dr. Colleen Huber, Case No. 19-122, Initial Review

Dr. Lashutka was present with Attorney Steven Mahaffey.

Ms. Anthony summarized in March of 2019, the Board received a complaint from patient J.F. JF had presented to Nature Works Best Cancer Clinic in December of 2017 with a history of poorly differentiated infiltrating ductal carcinoma (IDC) x 4 years, which had metastasized. JF sought only alternative treatment, refusing chemotherapy, radiation, surgery and a referral to hospice, prior to December of 2017. Dr. Lashutka was her physician of record. JF ended her treatment with Dr. Lashutka on February 24, 2018. She presented to Dr. Coats on 11/5/2018, over 8 months later, expressing her dissatisfaction with Dr. Lashutka. She waited 4 more months to file a complaint. JF’s complaint does not allege unprofessional conduct violations. It appears she was unhappy with her treatment, but is not specific about it.

Dr. Sadilek asked Dr. Lashutka if the initial contact with the patient was brief. Dr. Lashutka stated the initial consult was over an hour long.

Dr. Popel asked Dr. Lashutka if he thought there was any validity to the patient’s frustration at the clinic. Dr. Lashutka stated none at all and that this complaint came as surprise.

Ms. Galan made a motion to dismiss the case. Seconded Ms. Tibbitts. Roll Call: Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts: Aye, Dr. Spat; Aye. Motion carried 5 Ayes, 1 Recused, 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	0							
Recused	1						x	
Vacant	1					x		

Ms. Galan made a motion to include Dr. Huber in the dismissal of the case. Seconded by Ms. Tibbitts. Roll Call: Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts: Aye, Dr. Spat; Aye. Motion carried 5 Ayes, 1 Recused, 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	0							
Recused	1						x	

Vacant	1					x		
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1:46 P.M., Recess was taken.
 1:56 P.M. Open Session resumed.

C. Dr. Judith Jones, Case No. 19-120, Initial Review

Dr. Jones was present with Attorney Brenna Ginrich.

Ms. Anthony summarized in October of 2018 and in February of 2019, the Board received information from the Arizona Department of Health Services of a discrepancy in the number of certifications written by Dr. Jones for medical marijuana, and the number of times she queried the Arizona Pharmacy Board database. The numbers provided by the Department of Health were 1078 certifications for medical marijuana were submitted between January 1 2018 though December 31, 2018, but Dr. Jones only queried the database 395 times during that period. In February of 2019, Dr. Jones contacted Board staff indicating she had been having issues logging into the PMP since January of 2018. Dr. Jones stated she has been compliant with accessing current patient controlled substance prescription history, by contacting patient’s pharmacies in order to obtain a complete report of prescriptions from the PMP. Additionally, Dr Jones also notified the board of the continued issue of pharmacies using her DEA number when entering some prescriptions written by another provider with the same name. Board staff subpoenaed 8 patient records. Investigator review of the records found for patients 1-8, no PMP or prior medical records were available in the chart, even charts which predated January of 2018 did not contain the PMP copy.

In her statement to the Board, Attorney Ginrich stated the PMP is run by a third party, and that at this point, she is having a little bit of technical difficulty. That the issue was there was confusion regarding a physician assistant with the same name. Ms. Ginrich stated that Dr. Jones is now keeping a physical copy of the PMP in the patient record. When previously checking the PMP, Dr. Jones was keeping a separate log of it, but was not keeping the copy in the patient file.

Ms. Galan asked Dr. Jones if she contacted the pharmacy board. Dr. Jones indicated she had, and had also contacted the IT department. She stated she now has access and can log back into the system, however there are times she does not have access.

Dr. Jones stated she contacted DHS and they told her to contact the IT department. She stated she got no response from the work request submitted to IT, so she was reduced to just calling. Dr. Jones stated there were times that it seemed she was was back on, but when she could not log on, she tried to find different ways, such as contacting the patient pharmacies. She stated she now has access, and was given a whole new account.

Dr. Sadilek pointed out she certified 1078 patients, so it looks like that leaves you 683 patients you did not check, but that you signed those attestations.

Dr. Rubin, commented in this case Dr Jones has tried, and he does not see any fault here.

Dr. Pope stated it is hard to hold her a fault with the troubles she has had

Ms. Galan stated she is still certifying without access. Dr. Rubin stated she has access now. Ms. Galan, commented she said she has access but still has issues.

Dr. Jones stated if she has issues she will wait, and she understands the seriousness of this.

Dr. Rubins made a motion to dismiss. Seconded by Dr. Popiel.

Dr. Sadilek cautioned Dr. Jones not to sign off on the certification until she has all the information, because there will be a gap in the numbers and she will be back in front of the Board.

Roll Call: Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye with caution stated, Ms. Tibbitts: Aye, Dr. Spat; Aye. Motion carried 6 Ayes, 1 Vacant.

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

D. Dr. John Eldridge, Case No. 18-104, Initial Review

Dr. Sadilek made a motion to go into Executive Session for legal advice. Seconded by Dr. Rubin. Motion Carried 6 Ayes, 1 Vacant.

Open Session

Ms. Anthony summarized the case stating on September 13, 2018, the board reviewed public access court information regarding criminal case CR2018-00250, and Indictment S-700-CR2018-002570. After consideration of the information, the Board voted to open a case regarding the matter. As a result, Board staff opened Board case no. 18-104 and Dr. Eldridge was notified.

Dr. Sadilek made a motion to move the case to Formal Hearing.

Ms. Tibbitts made a motion to go into Executive Session for legal advice. Seconded By Dr. Rubin. Motion carried 6 Ayes, 1 Vacant.

2:22 P.M. Open Session

Ms. Tibbitts made a motion to stay the case pending outcome of the criminal matter. Seconded by Dr. Sadilek. Roll Call: Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye, Dr. Spat; Aye. Motion Carried 6 Ayes, 1 Vacant.

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

E. Dr. John Eldridge, Case No. 19-121, Initial Review

Ms. Anthony summarized Dr. Eldridge entered into a consent agreement with the board on January 11, 2018 regarding Board Case No 16-060. Case No. 19-121 was opened regarding non-compliance with the consent agreement.

Dr. Eldridge was placed on 3 years probation beginning January 11, 2018. During probation, his license is restricted and he must not write a prescription for opioids and opiates without performing an in person physical examination appropriately assessing or evaluating the patient's medical diagnosis/condition and prescription protocols. As part of the agreement, Board staff subpoenaed random medical charts in April of 2018, August of 2018, and again in January of 2019. 3 of those records were sent to Dr. Thompson for review. Dr. Thompson provided his written report. Dr. Eldridge was required to provide the Board with his dispensing logs from January 1, 2017 – December 31, 2017. The Board received what appears to be an inventory log. Dr. Eldridge was notified in April of 2018 the information he provided may not comply with Title 21 Code of Federal Regulation, Part 1304.22 (C). Dr. Eldridge followed up with additional information which appear to reflect Submissions to the State of Arizona PMP disclosing the patients for which Dr. Eldridge provided controlled substances to from his office location. However after running a PMP as Dr. Eldridge as the dispenser for that time period, only 7 entries were in fact reported, and out of those 7 entries on 3 have a coordinating manual entry form. Dr. Eldridge was required to complete 15 hours of Staff pre-approved CME in the areas of pain management, charting and record keeping, and medical diagnosis. And 15 hours in any other area. Dr. Eldridge failed to supply CME for pre-approval. And while Dr. Eldridge provided copies of CME along with an application for certificate to dispense, it is unknown if any of these CME's were intended to be supplied for pre-approval or intended to meet the requirements of the consent agreement. Several attempts were made by Board staff to confirm why these CME were supplied to the Board, but Dr. Eldridge failed to respond to any of the inquiries.

2:27 P.M. Ms. Tibbitts made a motion to go into Executive Session for legal advice.

Seconded by Dr. Sadilek. Motion carried 6 Ayes, 1 Vacant.

Open Session

Dr. Rubin stated he would like to take out the certificate to dispense allegation from the investigation. Dr. Spat said it looks like Dr. Eldridge is doing things he is not supposed to do.

Ms. Galan made a motion to move the matter to Formal Hearing, based on the information contained in the Investigative Report, minus the allegation of prescribing without the certificate to dispense. Seconded by Dr. Spat. Roll Call: Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts: Aye, Dr. Spat; Aye. Motion carried 6 Ayes, 1 Vacant.

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

6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR CERTIFICATE TO DISPENSE RENEWAL, DR. JOHN ELDRIDGE.

Dr. Spat stated he would like to hold the certificate to dispense pending the outcome of the Formal Hearing.

2:46 P.M. Ms. Galan made a motion to go into Executive Session for Legal advice. Seconded by Ms. Tibbitts. Motion Carried 6 Ayes, 1 Vacant.

2:56 P.M. Open Session

Ms. Galan made a motion to approve the application for certificate to dispense. Seconded By Dr. Sadilek. Roll Call: Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts: Aye, Dr. Spat; Aye. Motion carried 6 Ayes, 1 Vacant.

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

7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING

PETITION FOR TERMINATION OF CONSENT AGREEMENT FOR CERTIFICATION WITH PROBATION, BRONWYN CARLBLOM.

Ms. Carlblom was present with Attorney Steven Perlmutter.

Ms. Anthony summarized a petition for termination of consent agreement for certificate with probation was received. The probation became effective September 13, 2016, and during the term of probation Ms. Carlblom has been proactive in meeting her requirements pursuant to the order.

Dr. Sadilek made a motion to approve the petition for termination of the consent agreement for certification with probation. Seconded by Dr. Popiel. Roll Call: Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts: Aye, Dr. Spat; Aye. Motion carried 6 Ayes, 1 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	Vacant	RUBIN	SPAT
Yes	5	x	x	x	x		x	x
No	0							
Abstain	0							
Absent	0							
Recused	0							
Vacant	1					x		

8. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING PROPOSED ACTIONS FOR REDUCTION IN BOARD REVENUE.

- A. Elimination of Renewal of the Clinical Training Certificate
- B. Reduction of Fees.

Dr. Rubin asked why we were talking about lowering fees. Ms. Anthony summarized the revenue was above the current appropriation. The Board did not vote on this matter.

9. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING RENEWAL OF CERTIFICATE TO DISPENSE.

- A. Dr. Tam Spat

Dr. Spat recused himself. Dr. Sadilek made a motion to approve the application for renewal of certificate to dispense. Seconded by Dr. Rubin. Motion Carried 5 Ayes, 1 Recused, 1 Vacant.

- B. Dr. Bruce Sadilek

Dr. Sadilek recused himself. Dr. Popiel made a motion to approve the application for renewal of certificate to dispense. Seconded by Ms. Tibbitts. Motion Carried 5 Ayes, 1 Recused, 1 Vacant.

10. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR CLINICAL TRAINING CERTIFICATE

A. Alexander Borsand

Ms. Anthony summarized an affirmative answer was disclosed on the application for clinical training submitted by Mr. Borsand. Mr. Borsand submitted the written supplement with his application. Source documents reflect no history.

Dr. Rubin made a motion to approve the application for clinical training. Seconded by Dr. Popiel. Roll Call: Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye, Dr. Spat; Aye. Motion carried 6 Ayes, 1 Vacant.

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

11. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR LICENSURE BY ENDORSEMENT

A. Katie Borchert

Ms. Anthony summarized an affirmative answer was disclosed on the application for licensure by endorsement, submitted by Dr. Borchert. Source documents did reflect the history of the 2008 incident. Dr. Borchert did provide the written summary of the incident with her application.

Dr. Sadilek made a motion to approve the application for licensure by endorsement. Seconded by Dr. Popiel. Roll Call: Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye, Dr. Spat; Aye. Motion carried 6 Ayes, 1 Vacant.

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

12. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING DRAFT MINUTES.

A. Minutes of January 10, 2019, Executive Session 12:44 pm

Dr. Sadilek made a motion to approve the minutes. Seconded by Dr. Popiel. Motion Carried 6 Ayes, 1 Vacant.

13. EXECUTIVE DIRECTOR'S REPORT

- A. FY 2019 Budget
- B. Number of Active Licensees
- C. Number of Board Cases Under Investigation
- D. Board Report Regarding Executive Order 2019-01
- E. Legislative Update, HB 2118 Unauthorized Practice Health Professionals

Ms. Anthony summarized disclosing the Budget number presented to the Board were from June, and the final FY19 numbers will be available at the August meeting.

Dr. Rubin asked if the Board could spend any monies left over from FY19. Ms. Anthony stated the Board could not spend that money, that she had budgeted some of that money to cover OAH Formal Hearing costs in anticipation of the two cases which were moved to Formal Hearing in FY19. However, those two cases were not brought before OAH prior to close of fiscal. Dr. Rubin asked Ms. Anthony what she would spend extra money on if she had it. Ms. Anthony stated she would hire another person and upgrade the computer system. Dr. Sadilek stated that the Board is in support.

3:00 P.M. Dr. Spat left the meeting.

14 FUTURE AGENDA ITEMS

None

15. CALL TO THE PUBLIC

None

16. ADJOURNMENT

The Board adjourned at 3:14 P.M.