



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 • 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, June 8, 2017 • 1:00 p.m. • Basement Conference Room B-1
1400 West Washington • Phoenix, AZ 85007

1. CALL TO ORDER BY PRESIDING OFFICER

The meeting was called to order at 1:05 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	6	x	x	x	x		x	x
Absent	1					x		
Vacant	0							

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

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

2. DECLARATION OF CONFLICTS OF INTEREST

Dr. Sadilek declared a conflict with agenda item 6. (B.), and 8 (C).

Dr. Eldridge declared a conflict of interest with agenda item 8 (A).

The additional recusals occurred throughout the meeting and noted under the respective agenda item:

Dr. Marchese recused herself from item 7.(A).

Dr. Popiel recused himself from item 7.(B).

Dr. Eldridge recused himself from item 8. (B).

3. CIVILITY STATEMENT

The Board Chair read the Civility Statement into the record.

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

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. Regular Board Meeting Minutes of May 11, 2017.

Ms. Tibbitts and Dr. Eldridge were recused. Mr. Silbert made a motion to approve the regular minutes from the May 11, 2017 meeting. Seconded by Dr. Popiel. Motion Carried 4 Ayes, 2 Recused and 1 Absent.

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

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

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. Initial Certificate to Dispense

Ellington, Amber
Johnson, Nick

B. Renewal of Certificate to Dispense

Abbott, Crystal
Adelson, Harry
Aidun, Sima
Allen, Jason
Allshouse, Andrew
Archaumbault, Brian
Arneson, David
Arnold, Frederick
Aton Robins, Nancy
Banaian, Azam
Barnes, Lori
Barraza, Michelle
Beardsley, Lauren
Beltran, Chriselda
Birdsall, Shauna
Breiten, Valeria
Buratovich, Nick
Calimeri, Susan
Callens, Rachel
Cameron, Brent
Castle, Holly

Chandiramani, Ravi
Christianson, Alan
Cochran, Jorge
Collins, Kelly
Compton, Christina
Contreras-Lopez, Andrea
Cornman, Daphne
Correia, Kirstin
Cox, Stephanie
Cronin, Courtney
Curtis, Judith
Davenport, Emily
Deville Baden, Lauren
Dickerson, Wendy
Drobot, Jeffrey
Dunn, Melenie
Eischens, Shawna
Elton, Jennifer
Espinol, Raquel
Ezre, Barbara
Faur, Katherine
Flagler, Lila
Flagler, Samuel
Freeze, Karen
Gliniecki, Michele
Goetz, Chad
Gomendi, Sara
Graham, Stephanie
Haller, Danite
Harris, Breckin
Hering, Lance
Hirons, Kami
Hoang, Melanie
Ip, Jelina
Jamison, Carol
Kasdorf, Cheryl
Katz, Steven
Keaton, Dana
Keiffer, Julie
Kennedy, Shaun
Kerievsky, Adam
Khalsa, Sarv Varta
Khoshaba, Linda
Kim, Cho Long
Kopcio, Jordan
Kremer, Reiner
Krieger-Fiedler, Allyn
Krukowski, Jody
Kruzel, Thomas
Kupperman, Jami
Lamb, Karen

Lan, Cara
Lee, YoungJu
Linton, LoRal
Longenecker Gregory, Margot
Lovick, Ann
Lussier, Spice
Maltais, Shannon
Manrique, Javier
Marshall, Sarah
Marsh-Jones, Barbara
Mayer, Ashley
McConnell, Bryan
McWilliams, Kenneth
Meeds, Wilfred
Miller-Sickels, Laura
Mitchell, Jessica
Mitchell, tiffany
Mittman, Laura
Mittman, Paul
Morstein, Mona
Mowery, Travis
Mundt, Jennifer
Nave, Gaynel
Novakova, Katka
Ortiz, Jose
Oxley, Barbara
Oxley, John
Parent, Daian
Pettitt, Michelle
Peyman, Tara
Pierce, Brandy
Porter, Jason
Preston Hesler, Sarah
Purcell, Andrea
Rames, Oceana
Ramsey, Theresa
Revak, Carol
Rezaie, Saman
Richards, Calvin
Rittling, Carrie
Ruinard, Leytocha
Rundle, Graciela
Salisbury, Lauren
Seitz, Stephanie
Shiffler, Nichole
Sina, Shaida
Smith, Jennifer
Soheily, Saman
Spooner, Carol
Stalker, Mary Ann
Steinberger, Katrina

Stone, Carolyn
 Strand, Roxie
 Sundene, Nicole
 Swan, Farra
 Sweet, Frank
 Takaki, Nanao
 Tamburri, Frank
 Tenney, Michelle
 Thom, Dickson
 Toghiani, Jeanette
 Tveit-Pettersen, Sonja
 Udell, Eric
 Uzick, Michael
 Van Dyke, Amoz
 Wagner, Amy
 Waldman, Renee
 Wazny, Philip
 Whitley, Marnie
 Whittington, Amy
 Witman, James
 Woeller, DeAnna
 Wojtowicz, Angela
 Wolf, Jacob
 Zeller, Barrie

C. Renewal Medical Assistant Certificate

Davis, April
 Allen, Lindsay

D. Renewal Certificate to Engage in a Clinical Training Program

Albrecht, Bobi
 Bagnasco, Teri
 Garcia, Roxanna
 Lucero, Elizabeth
 Morris, Neil
 Orme, Michelle
 Scooler, Rosa-Elise
 Spiridigliozzi, Scott
 Wool, Daniel
 Bloom, Laura

Consent Agenda Vote: Dr. Marchese made a motion to approved items 5 A-D. Seconded by Mr. Silbert. Motion Carried 6 Ayes, 1 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec. /Tres.	ELDRIDGE	JONES	SILBERT	POPIEL
Yes	6	x	x	x	x		x	x
No	0							
Abstain	0							
Absent	1					x		
Recused	0							

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

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. JuYoung Lee, Case No. 17-067 - Investigative Interview.

Dr. Lee was present along with Counsel Mandie Karvis, Esq. Complainant MP was present. Gail Anthony provided a summary of her investigation of the case. MP alleges in her complaint, she signed up online for a free 15 minute consultation with Respondent however, was charged \$200. Respondent stated, and the records do indicate, MP in fact signed up for an initial appointment online and not a free 15 minute consultation.

Board Member Dr. Marchese stated the complaint alleges that although MP indicated a positive family history of breast cancer, and having had two prior breast surgeries, Respondent recommended contraindicated hormones of estrogen and progesterone, although there was no notation in the chart of any type of treatment plan or written prescriptions. Dr. Lee responded and stated that the Patient MP abruptly left halfway through the appointment, and a treatment plan was never discussed because they did not get to that point in the initial appointment. Dr. Lee stated a homeopathic remedy was given to the patient based on her complaint of increased cold sores with sun exposure. Dr. Lee admitted that although she noted the homeopathic remedy on the dispensing log, she failed to chart it.

Board Member Dr. Sadilek noted the complaint indicates MP was charged \$200, but confirmed with Dr. Lee that she was never paid for her services.

Board Member Mr. Silbert stated that the Respondent spent a significant amount of time with the patient trying to discern what the patient's problems were. The patient's claims are contradictory, as she stated based on her history she should not be taking hormones, however her intake sheet noted her taking testosterone. Mr. Silbert commented that upon review of the matter he believes Dr. Lee did her job and made a motion to dismiss the complaint.

Board Member Dr. Sadilek called the Complainant MP forward to speak to the Board.

Complainant MP stated she is concerned because she thinks Respondent is prescribing hormones to people who have histories of breast cancers, which would be contraindicated. She stated she did not know what to expect in the initial visit, and when it was taking so long, she had to leave. She was confused that she was told the fee was \$200.

Board Member Dr. Sadilek confirmed with MP that she did not pay the \$200.

Dr. Sailek seconded the motion to dismiss. Motion carried 6 Ayes, 1 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec. /Tres.	ELDRIDGE	JONES	SILBERT	POPIEL
Yes	6	x	x	x	x		x	x
No	0							
Abstain	0							
Absent	1					x		
Recused	0							

B. Dr. Katherine Rose, Case No. 16-054 - Investigative Interview.

Dr. Sadilek recused himself. Dr. Rose was present. Gail Anthony gave a summary of her investigation of the case. Respondent stated she worked at Dr.Reeferalz and after she received the complaint from the Board, she realized she made mistakes in her practice of certifying patients for medical marijuana. Board Member Dr. Marchese used patient HL as the first example and requested Respondent to talk the Board through her care of a 19 year old male who presented with shoulder pain from boxing, who walks out the door of Dr.Reeferalz with a medical marijuana certification for a one year. Respondent states she tried to be objective in her analysis of pain in that a young person can have pain just the same as an older person can have pain. Dr. Rose commented that most of her patients are coming in already self-medicated with marijuana so it's hard to ascertain the patient's actual level of pain. Dr. Rose understood why the Board was concerned.

Board Member Dr. Marchese then asked Respondent why the patient had the pain in the first place. Respondent stated she didn't know. Dr. Marchese commented on a consistent theme throughout her review of the medical records, that being the cause of pain was not diagnosed. Dr. Marchese stated this is why Dr. Rose is before the Board. As an example, Dr. Marchese stated that this patient left your care for one year with the ability to get something to mask the pain, without ever knowing why he has pain.

Board Member Mr. Silbert asked Dr. Rose if she recognized the pattern of her own behavior. Dr. Rose stated yes, she did recognize it.

Board Member Dr. Popiel asked Dr. Rose if she is still working at Dr Reeferalz. Dr. Rose stated she no longer works at Dr.Reeferalz and the last medical marijuana certification she issued was in February of 2017. Dr. Rose stated she is focusing on her private practice and is not currently certifying patients for medical marijuana and not certain she would include these certifications in her private practice in the future.

Board Member Mr. Silbert made a motion to offer a consent agreement to include 1 year probation with chart reviews, Letter of Reprimand, 10 days of practice restriction where she would not be able to certify for medical marijuana and 24 hours of CME. Board Member Dr. Popiel requested to modify the CME requirement to reflect half in pain management and half in medical marijuana. Mr. Silbert revised and restated his motion to drop the Letter of Reprimand because she would be under probation for one year, and to include the requested change in the CME subject matter requirement. Seconded by Dr. Marchese. Roll Call Vote: Dr. Popiel; Aye, Ms. Tibbitts; Aye, Mr. Silbert; Aye, Dr. Eldridge; Aye, Dr. Marchese; Aye, Dr. Sadilek; Aye.

Motion carried 5 Ayes, 1 Recused, 1 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec./Tres.	ELDRIDGE	JONES	SILBERT	POPIEL
Yes	6	x	x	x	x		x	x
No	0							
Abstain	0							
Absent	1					x		
Recused	0							

C. Dr. Orville Weyrich, Case No. 16-059 - Investigative Interview, Review of Additional Information.

Dr. Weyrich was present. Gail Anthony gave a summary of her investigation of the case and the medical consultant's report regarding the Dr. Weyrich's opioid prescribing practices. Ms. Khan reminded the Board that the matter is still in the investigative interview phase to review the medical consultant's report with Dr. Weyrich. At the Board's May 11, 2017 meeting, the Board voted to rescind the proposed consent agreement and refer the medical records to a medical professional specializing in the area of pain management to render a medical opinion regarding Dr. Weyrich's prescribing practices.

Board Member Dr. Marchese made a motion to go into Executive Session for Legal Advice. Seconded by Mr. Silbert. Motion Carried 6 Ayes, 1 Absent.

The Board returned to Regular session at 2:30 pm.

Dr. Weyrich was given the opportunity to respond regarding the findings of the medical consultant's report and stated that the consultant found the same issues that the Board originally found. Board Member Dr. Sadilek addressed Respondent stating this is a very serious situation and asked Respondent if he understood that the seriousness of this matter. Respondent affirmed he did understand.

Board Member Dr. Marchese stated that the medical consultant's report outlines the seriousness of the situation and confirms Dr. Weyrich's lack of standard of care, lack of proper diagnosing, lack of screening for drug abuse, and failure to check the Arizona Board of Pharmacy's, Prescription Monitoring Program's database. She stated Respondent is putting the public and these patients at risk with these high doses of controlled substances.

Dr. Weyrich stated he failed to bring a copy of the medical consultant's report with him. Board Staff provided Respondent with a copy of the report.

Board Member Dr. Sadilek began with a review of page one, which outlines Dr. Weyrich's treatment of Patient NAr. Board Member Dr. Marchese reported Respondent failed to conduct any type of physical examination on any patient visit, no monitoring of liver / kidney function. Dr. Sadilek stated to Dr. Weyrich that the records show that prior to Patient NAr establishing care with you, he was under the care of 5 addiction specialists, yet you prescribed high doses of Opioids combined with Benzodiazepines and had no plan to taper the patient from these high dosages.

Dr. Weyrich stated he does not deny any of the points made.

Board Member Dr. Marchese stated she now sees Respondent's lack of concern for putting his patients at risk of overdose and even death.

Board Member Mr. Silbert used patient NAr as an example of the prescribing practices of Respondent, pointing out the patient presented taking many pain medications and Respondent simply added to the list of medications during the 5 month period as provided in the records.

Board Member Dr. Sadilek pointed out that Respondent didn't even pull a Pharmacy Board-Prescription Monitoring Report on this patient prior to prescribing the additional medications.

Board Member Dr. Marchese commented Respondent is putting the public at risk if the patients are leaving Respondent's office, going to the pharmacy to fill prescriptions, taking the drugs, and getting into a car and driving.

Board Member Mr. Silbert made a motion to offer a consent agreement for 5 years probation, a 3 year practice restriction where he could not certify patients for medical marijuana or prescribe controlled substances, require Respondent to take and pass the NPELX pharmacology examination, continuing medical education courses, and monitoring by Board Staff.

Dr. Sadilek made a motion to go into Executive Session for legal advice. Seconded by Dr. Marchese.
 Motion Carried 6 Ayes, 1 Absent.
 The Board returned to regular session at 4:20 p.m.

Board Member Mr. Silbert pulled his motion from the table.

Dr. Marchese made a motion to offer an interim consent agreement for practice restriction of controlled substances and certification of medical marijuana in lieu of summary suspension and that this matter will be forwarded to Formal Hearing. The motion includes that if Respondent does not agree to enter into an interim consent agreement for a practice restriction, his license will be summarily suspended because Respondent's prescribing practices of controlled substances pose an immediate and eminent threat to health, safety, and welfare of the public as evidenced by Respondent's testimony, the medical consultant's reports, and the Board's review of the medical records, the medical consultant's report, and testimony of the Respondent.

Board Member Mr. Silbert seconded the motion.

Dr. Marchese made a motion to go into Executive Session for Legal Advice. Seconded by Dr. Sadilek.
 Motion carried 6 Ayes, 1 Absent.
 The Board returned to regular session at 4:40.

Board Member Dr. Marchese restated her motion.

Board Member Mr. Silbert seconded. Roll Call:

Mr. Popiel; Aye, Ms. Tibbitts; Aye, Mr. Silbert; Aye, Dr. Eldridge; Aye, Dr. Marchese; Aye, Dr. Sadilek;
 Aye. Motion Carried 6 Ayes, 1 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec. /Tres.	ELDRIDGE	JONES	SILBERT	POPIEL
Yes	6	x	x	x	x		x	x
No	0							
Abstain	0							
Absent	1					x		
Recused	0							

7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATIONS FOR RENEWAL OF CERTIFICATE TO DISPENSE.

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. Marianne Marchese

Dr. Marchese recused herself. Dr. Popiel made a motion to approve the application. Seconded by Ms. Tibbitts. Motion Carried 5 Ayes, 1 Absent, 1 Recused.

B. Dr. Brian Popiel

Dr. Popiel recused himself. Dr. Marchese made a motion to approve the application. Seconded by Ms. Tibbitts. Motion Carried 5 Ayes, 1 Absent, 1 Recused.

8. CONSENT AGENDA – REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATIONS FOR RENEWAL OF CERTIFICATE TO DISPENSE WITHOUT PREJUDICE TO ANY ONGOING INVESTIGATION.

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. Robert Gear

Dr. Eldridge recused himself. Dr. Marchese made a motion to approve the application. Seconded by Ms. Tibbitts. Motion Carried, 5 Ayes, 1 Absent, 1 Recused.

B. Dr. John Eldridge

Dr. Eldridge recused himself. Dr. Marchese made a motion to approve the application. Seconded by Dr. Sadilek. Motion Carried, 5 Ayes, 1 Absent, 1 Recused.

C. Dr. Katherine Rose

Dr. Sadilek recused himself. Dr. Marchese made a motion to approve the application. Seconded by Mr. Silbert. Motion Carried, 5 Ayes, 1 Absent, 1 Recused.

9. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR MEDICAL ASSISTANT CERTIFICATE.

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. Lydia Garcia

Ms. Garcia was not present. This matter was tabled.

10. CALL TO THE PUBLIC

No Member of the public came forward to speak.

11. DISCUSSION AND CONSIDERATION OF 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 – Ms. Anthony provided an overview of the Board's budget.

B. Licensing and Case Status Report – Ms. Anthony provided an overview of the licensing and case status report.

C. Governor Ducey's Declaration of Emergency and Notification of Enhanced Surveillance Advisory Regarding Opioid Overdose Epidemic.

Ms. Anthony informed the Board of the recent emergency notification from the Governor's office and provided a brief summary.

12. BOARD TRAINING PRESENTED BY ASSISTANT ATTORNEY GENERAL SABRINA KAHN

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).

This item was tabled.

13. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING CANCELLING THE JULY 13, 2017 BOARD MEETING.

The Board determined there was no need to cancel the July meeting.

14. FUTURE AGENDA ITEMS

None Requested

15. ADJOURNMENT

The meeting was adjourned at 4:45 p.m.