



# 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, March 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	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.

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

Dr. Sadilek welcomed Mr. Silbert to the Board.

#### 2. DECLARATION OF CONFLICTS OF INTEREST

None Declared

#### 3. CIVILITY STATEMENT

Dr. Sadilek read the statement

#### 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 February 9, 2017

Dr. Marchese made a motion to approve the Regular Board Meeting Minutes from February 9, 2017.

Seconded by Dr. Sadilek. Motion Carried 5 Ayes, 1 Abstain, 1 Absent

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTST Sec. /Tres.	ELDRIDGE	JONES	SILBERT	POPIEL
Yes	5	x	x	x	x			x
No								
Abstain	1						x	
Absent	1					x		
Recused	0							
Vacant	0							

B. Executive Session Meeting Minutes of February 9, 2017.

Dr. Eldridge recused himself. Dr. Marchese made a motion to approve the Executive Session Board Meeting Minutes from February 9, 2017. Seconded by Ms. Tibbitts. Motion Carried 4 Ayes, 1 Absent, 1 Recused.

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

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

**A. Naturopathic Medical License Renewal**

Abel, Larry  
 Amerine, Lisa  
 Bedell Cook, Sarah  
 Boe, Laura  
 Botham, Jennifer  
 Butner, Lana  
 Chrystal, Joshua  
 Ealy, Henry  
 Gibbons, Melissa  
 Holder, Autumn  
 Jackson, Janice  
 Kim, Linda  
 Krieger-Fiedler, Allyn  
 Larrow, Anita  
 March, Teri  
 McConnell, Bryan  
 Myatt, Dana  
 Rudderham, Mark  
 Sabatier, Steven  
 Sax, Rebekkah  
 Sims, Dejarra  
 Steinborn, Shawn  
 Stengler, Mark  
 Wdowin, Heather

**B. Naturopathic Medical License Request to Retire**

Bedell, Ren  
Dalili, Dawn  
Harrington, Heather  
Hefferon, Shawn  
Khakham, Chil  
Masbad, Christy  
Sadler, Sarah  
Van Putten, Alana

**C. Naturopathic Medical License Reinstatement of Retired License**

Lee, Stephen

**D. Initial Certificate to Dispense**

Hoover, Tanisha  
McHenry, David  
Tenney, Michelle

**E. Reinstatement of Expired Certificate to Dispense**

Cain, Briana  
Davenport, Emily  
Fischer, Rainer  
Pringle, Matesa

**F. Renewal Certificate to Engage in a Clinical Training Program**

Gerstael, Johanne  
Markison, Laura  
Wu, Nukleuz

**G. Certificate to Engage in a Clinical Training Program**

Prince, Carolyn

**CONSENT AGENDA VOTE**

Dr. Marchese made a motion to approve items 5 A - G. Seconded by Ms. Tibbits. Motion Carried 6 Ayes, 1 Absent.

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

**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. Orville Weyrich- Case No. 16-059- Investigative Interview**

Dr. Weyrich was present. Ms. Anthony summarized the case. It is alleged, Dr. Weyrich prescribes large quantities of controlled substances, and in combination of Opiates, Benzodiazepines and Soma to some patients. Records support, and by his own admission, Dr. Weyrich does prescribe in this manner, however he described his prescribing manner as "a particular niche in his practice".

Board Member Dr. Marchese summarized the patient files, pointing out there were no physical examinations done for some of the patients; however, Dr. Weyrich still prescribed controlled substances. Additionally, and even in one case where the patient complained of liver pain, Dr. Weyrich failed to order laboratory tests to check liver function. Dr. Marchese stated liver functions must be checked when prescribing these types of medications and informed him that a number of labs in Arizona will run a simple CMP for a cash price as low as \$17.00.

Board Member Dr. Eldridge asked Dr. Weyrich if he prescribes dosages higher than 90mg of morphine equivalent? Dr. Weyrich stated yes, he does, and added that patients do not come to see him for a lower dosage amount because they can get that from their primary care physician. Dr. Weyrich stated that he believes he has more education in pain management and is comfortable prescribing a higher dosage. Dr. Marchese responded that it is more likely the primary care physicians do not prescribe at higher dosages because it is dangerous.

Board Member Mr. Silbert questioned Dr. Weyrich about him prescribing high dosages of these medications to patient NA, who according to Dr. Weyrich, has Marfan Syndrome. Mr. Silbert stated that one of the primary concerns of Marfan Syndrome is heart failure, and asked Dr. Weyrich if he had examined what the contraindications might be with the medications he was prescribing, and why wasn't he concerned about the effect of the medications on the heart. Dr. Weyrich stated he had not considered the medications to be contraindicated because the patient was already established on the medications before he assumed care. Mr. Silbert stated that although Dr. Weyrich utilizes the diagnosis of Marfan Syndrome as a basis for prescribing, there is nothing tangible for Dr. Weyrich to base this decision on.

Board Member Dr. Popiel commented that Dr. Weyrich's justification for why he failed to order appropriate laboratory testing, urine analysis testing, or perform physical examinations of his patients are excuses.

Board Member Dr. Marchese asked Dr. Weyrich if he was able to discern if a patient is drug seeking or presents with drug addictive behavior. Dr. Marchese uses patient record RE as an example, and points out the PMP indicates Patient RE received controlled substances from 19 different healthcare providers, and had those prescriptions filled at 11 different locations over a period of 1 year. Dr. Marchese asked Dr. Weyrich why he was not concerned about that. Dr. Weyrich stated when he looked at the report, he was looking at the dosages and medications and did not notice the information Dr. Marchese pointed out for Patient RE.

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 resumed regular session at 2:50pm.

The Board took a 10 minute break.

The Board resumed regular session at 3:00pm

Board Member Dr. Sadilek stated that just because a patient seeks your medical care does not mean you do not have to do a medical work up on the patient; even though, the patient is on a drug regime prescribed by another physician. Dr. Sadilek commented to Dr. Weyrich that when you see the patient you assume medical care for that patient. Dr. Sadilek stated that Dr. Weyrich's records are

incomplete as no physical examinations were performed or laboratory testing ordered. Dr. Sadilek further commented that Dr. Weyrich is prescribing high doses of controlled substances without knowing what is going on physiologically with the patient, without a proper medical diagnosis, and without any plan to taper the patients from medications.

Dr. Sadilek made a motion to go into executive session for legal advice. Seconded by Ms. Bennett. Motion Carried 6 Ayes, 1 Absent.

The Board resumed regular session at 4:15pm.

Dr. Sadilek made a motion to offer a consent agreement that included: a 2 year term of probation, 30 hours of continuing medical education in addition to the requirements for renewal; monthly monitoring by reviewing reports generated by the Controlled Substance Prescription Monitoring Program to ensure proper tapering and prescribing practices; and monitoring through random chart reviews to ensure proper laboratory tests are being ordered and reviewed and patients are being referred to another health care provider when Dr. Weyrich cannot continue pain management care. Dr. Eldridge seconded the Motion. Motion Carried 6 Ayes, 1 Absent.

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

**B. Dr. Don Selvey- Case No.16-056 Investigative Interview**

Dr. Marchese made a motion to table this matter until the next meeting due to time constraints. Seconded by Ms. Tibbitts. Motion Carried 6 Ayes, 1 Absent.

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

**7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATIONS FOR NATUROPATHIC MEDICAL LICENSE BY ENDORSEMENT.** 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. Kevin Wallace**

Mr. Wallace was not present. Ms. Anthony summarized the application status and a 2005 order taken against applicant's State of California's physical therapy license. Dr. Marchese made a motion to approve the application for reduced scope medical license. Seconded by Mr. Silbert. Motion Carried 6 Ayes, 1 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTST Sec./Tres.	ELDRIDGE	JONES	SILBERT	POPIEL
Yes	6	x	x	x	x		x	x

No								
Abstain								
Absent	1					x		
Recused								
Vacant	0							

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

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. Shay Herdon

Ms. Herdon was present. Ms. Anthony summarized the application status and background of a 2009 Driving Under the Influence (“DUI”) arrest. Dr. Sadilek asked Ms. Herdon if she has had any further issues with alcohol. Ms. Herdon stated no. Dr. Marchese cautioned Ms. Herdon that continuing this type of behavior may lead to discipline in the future. Dr. Marchese made a motion to approve the application. Seconded by Dr. Sadilek. Motion Carried 6 Ayes, 1 Absent.

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

**9. REVIEW, CONSIDERATION, AND POSSIBLE ACTION ON APPLICATIONS REGARDING REQUEST FOR PROBATION TERMINATION.**

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. Jennifer Burns, Case No. 15-028

Dr. Burns was not present. Ms. Anthony summarized the request for probation termination and informed the Board Dr. Burns had met all the requirements of the consent agreement.

Mr. Silbrt made a motion to approve the termination of probation. Seconded by Dr. Sadilek. Motion Carried 6 Ayes, 1 Absent.

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

**10. CALL TO THE PUBLIC**

Individuals in the audience did not request to speak during the call to the public.

**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
- B. License and Certificate Data
- C. Board Case Data

No Action Taken or Required.

**12. FUTURE AGENDA ITEMS**

Board education presented by Ms. Khan

**13. ADJOURNMENT**

Dr. Sadilek made a motion to adjourn the meeting, which was seconded by Dr. Marchese. The meeting adjourned at 4:30 p.m.