



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, May 11, 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 1:10 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	4	x	x				x	x
Absent	3			x	x	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

None

3. CIVILITY STATEMENT

Dr. Sadilek read the Civility Statement

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

A. Regular Board Meeting Minutes of March 9, 2017.

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

C. Regular Board Meeting Minutes of April 13, 2017.

D. Executive Session Meeting Minutes of April 13, 2017.

Dr. Marchese made a motion to approve items 4 A - D. Seconded by Dr. Popiel. Motion Carried 4 Ayes, 3 Absent.

		SADILEK	MARCHESE	TIBBITTS	ELDRIDGE	JONES	SILBERT	POPIEL

	VOTE	Chair	Vice Chair	Sec. /Tres.				
Yes	4	x	x				x	x
No	0							
Abstain	0							
Absent	3			x	x	x		

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

A. Naturopathic Medical License by Examination

George, Marietta
Johnson, Nick

B. Naturopathic Medical License by Endorsement

Bayrd, Shanna, Reduced Scope/no minor surgery
Havens, Jennifer, Reduced Scope/no acupuncture (temporary license issued per A.R.S. § 32- 1522.01)
Williams, Crystal

C. Naturopathic Medical License Renewal without Prejudice to any ongoing investigation

Mullen, Elissa

D. Initial Certificate to Dispense

Coss, Mario
Green Lustig, Kimberly
Major, Michael
Musset, Jeannette

E. Renewal of Certificate to Dispense

Attah Prince, Ubong
Berkner, Kristin
Bradford, Alan
Chastant, Brandon
Christodoulakis, Theodosios
Chung, Ashley
Collier, Leah
Cronin, Michael
Dagstani, Nael
Eihausen, Eugene
Ferchoff, Ryan
Fine, Anne Marie
Frank, Thomas
Frederick, David
Galaburri, Mario
Gillman, Elizabeth
Gorman, Julie
Greenfield, Jacqueline
Grey, Laurence
Ham, Natalie
Hamilton, Cheryl
Helioti, Maria
Helser, Carolyn
Husami, Margaret

Hyun, Yu-Ree
Inouye, Vance
Jain, Suneil
Jeffers, Monica
Johnson, Sonya
Kollin, Cheryl
Lambert Rampe, Laura
Larke, Daniel
Le Provost, Jean-Luc
Lee, Stephen
McAllister, Heath
McConnell, Michelle
McDaniel, Allison
McNeil, Alexis
McNeil, Jason
Miller, Rebecca
Misir, Parabatie
Myatt, Dana
Nafe, Babak
Nenninger, Steve
Nikolic, Elizabeth
Noronha, Bethania
Orona, Shahrzad
Ozalan, Glenn
Palzer, Anne
Peace, Timothy
Poulos, Jacqueline
Predmore, Leslie
Psenka, Jonathan
Qamar-Busler, Leticia
Rader, Alan
Rhodes, Rachel
Rogalla, Deborah
Schwartz, Boris
Shaw, Anne
Sickinger, Karleen
Simmons-Stuber, Margie
Song, Crystal
Stallone, Paul
Steinborn, Shawn
Strom, Mark
Swanick, Summer
Swartz, Tara
Tallman, David
Tallman, Ty
Tasalloti, Yasaman
Tehranian, Nirvana
Tellier, Krystal
Turner, Leila
Turrell, Shana
Vose, Erik
Waite, Amy

Whelchel, Rebecca
 Whitney, Travis
 Winton, Jeffrey

F. Initial Preceptorship Engage Certificate

Coleman, Sherman
 Dylan Krueger

G. Initial Preceptorship Conduct Certificate

Banker, Rosanna
 Barraza, Michelle
 Chambers, Keith
 Simon, Nina Xan

H. Initial Medical Assistant Certificate

Crystal Valdez Sanchez

I. Renewal Certificate to Engage in a Clinical Training Program

Denzer, Dara
 Houtan, Houtaneh
 January, Chelsea
 Limburg, Sayre
 Vogler, Danielle

J. Initial Certificate to Engage in a Clinical Training Program

Loran, Nicole
 O'Rourke, Tiffany

CONSENT AGENDA VOTE: Dr. Marchese made a motion to approve items 5 A-J. Seconded by Dr. Sadilek. Motion Carried 4 Ayes, 3 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	3			x	x	x		

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

A. Dr. Anne Marie Palzer, Case No. 17-063 - Investigative Interview.

Respondent was present along with Legal Representation; Julie Gunnigle. Ms. Anthony gave the case overview. The complaint was received from the Arizona Department of Health Services (DHS), who holds jurisdiction over the facility known as Birth Haven at Life Spring Midwifery. On 11/29/2016, during the course of an inspection of the facility, a DHS compliance inspector issued 8 citations. Respondent stated she is the Clinical Director of the facility. After review of patient MV's file during inspection, DHS forwarded a complaint to this Board alleging Respondent's failure to authenticate the homeopathic remedy/medication ordered and absence of communication from the sending facility (Birth Haven) to the receiving acute care hospital. According to the records, MV presented to the center in active labor. At approximately 3 hours 45 minutes into labor, the midwife consulted with Respondent due to an un-engaged head in active labor and variable decelerations. Respondent recommended Pulstilla (a homeopathic remedy) every 15 minutes. DHS alleges Respondent failed to authenticate this medication, however it is found to be

an over the counter homeopathic which does not need to be authenticated. Approximately 8 hours into labor the midwife includes two additional homeopathic remedies, but it appears she did not consult with Respondent regarding these additions. At around 9 hours of active labor and the beginning of stage II, 911 was called due to the presentation of moderately thick meconium, and non-reassuring heart tones with birth not being imminent. DHS alleges Respondent failed to require communication from Birth Haven to the hospital. Respondent stated EMS called the hospital so there was no need to duplicate the call. About 20 minutes later at the hospital, the baby presented in a compound cephalic position, and although hospital staff performed 30 minutes of resuscitations efforts, the baby did not survive.

Board member Dr. Sadilek asked Respondent to clarify what type of training the midwives at the center have in managing emergencies. Respondent stated that they are CPR certified and resuscitation trained, they are required to have a minimum of 50 births documented, have national certification, are trained while participating in a preceptorship program, are trained in administration of oxygen, and trained in intermuscular injection of pitocin. Respondent added according to statute, she is not required to be present during labor and delivery, but that she just happen to be present that day.

Although Respondent stated that the introduction of homeopathic remedies had no effect on the outcome, the center has chosen to discontinue administration of homeopathic medications at this time.

Board member Dr. Marchese asked if Respondent had established a doctor patient relationship with MV, prior to the recommendation. Respondent verified she had seen MV on many occasions prior to presentation to the center in labor.

Board member Mr. Silbert asked about the current conditions of the medications in the clinic. He noted the DHS citations stated expired medications had been found in the clinic. Respondent stated that another person had been keeping track of the medications at that time, however she has since taken over, and assured the Board all the medications in the clinic are now current.

Board member Dr. Marchese stated it appeared the situation was handled per protocol by Respondent and moved to dismiss the case. Seconded by Mr. Silbert. Roll Call Vote: Dr. Popiel; Aye, Mr. Silbert; Aye, Dr. Marchese; Aye, Dr. Sadilek; Aye. Motion Carried 4 Ayes, 3 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	3			x	x	x		

B. Dr. April Darley, Case No. 17-065 - Investigative Interview.

Respondent was present. Ms. Anthony gave the case overview. Patient E.U. presented to Respondent for medical marijuana certification. He alleges presenting with chronic neck and back pain and that Respondent caused harm by performing a cervical compression test (CCT). Although a patient may present to a physician for medical marijuana certification, the physician is under no obligation to certify the patient. Respondent was required to perform a physical examination, which in this instance required her to perform a CCT. She advised the patient she intended to perform this procedure, and the patient initially rejected the

test. Respondent advised E.U. she could not certify without performing an examination and that he was free to leave the intake process at that time, owing no fees and could seek certification elsewhere. E.U. admits he did consent to the examination at that point. He claims he immediately experienced increased pain before leaving the exam, however there is nothing in the chart indicating he verbalized this to Respondent or any member of the staff, and has not supplied the Board with any tangible evidence to support the cervical compression tests caused addition ongoing pain.

Board Member Marchese made a motion to dismiss the complaint.

Board Member Dr. Popiel asked Respondent if she had any idea why the patient would have filed the complaint against her. She stated she had no idea why.

Board Member Mr. Silbert seconded the motion to dismiss. Roll Call Vote: Dr. Popiel; Aye, Mr. Silbert; Aye, Dr. Marchese; Aye, Dr. Sadilek; Aye. Motion Carried 4 Ayes, 3 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	3			x	x	x		

C. Dr. Jelina Ip, Case No. 16-061 - Investigative Interview.

Respondent was present. Ms. Anthony gave the case overview. The Board received evidence from the State of Arizona Pharmacy Board, of Respondent writing an out of scope prescription for Hydromorphone. After running a prescription monitoring report, it was discovered Respondent had in fact written 17 out of scope prescriptions for the same medication between November of 2015 through October of 2016. Despite the fact Respondent was notified at least three times of the requirement for a certificate to dispense, she failed to apply for one, and was found to be writing prescriptions without it. Additionally, Respondent failed to provide the Board with complete records of the requested patient files. Intake forms and lab reports had to be requested on several occasions, prior to the Board actually receiving these documents.

Board member Mr. Silbert asked Respondent how she did not know the medication she prescribed was not within scope. Respondent stated she looked up Hydromorphone and determined it was a derivative of morphine, so thought it was in scope.

Board member Dr. Marchese asked Respondent about her patient AB, and stated it appears from the records the initial consult was performed by a nurse practitioner and not Respondent. Respondent stated she was in the room the whole time the nurse practitioner performed the initial consult, but that she prescribed the medication. She referred to this as a dual appointment.

Board member Mr. Silbert made a motion to go into Executive Session for Legal Advice.

Board member Dr. Sadilek reviewed the materials regarding patient A.W. listing the numerous daily medications he is currently taking, and wanted to know what Respondent's treatment goal was. Respondent stated she tried to discharge him by writing a letter, but it came back because the patient had moved.

Dr. Marchese requested a copy of the letter. Respondent stated she does not have a copy of the letter. Dr. Marchese pointed out that if you are going to discharge a patient via letter, you need to make a copy of it and put it in the chart.

Board Member Dr. Sadilek seconded the motion on the table to go into Executive Session for legal advice. Motion carried 4 Ayes, 3 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	3			x	x	x		

The Board returned to open session at 2:13 pm.

Board member Mr. Silbert made a motion to offer Respondent a consent agreement to include 1 year probation, 24 hours in additional continuing medical education in prescription pain medication and prescribing, random chart and prescription monitoring program reviews by the Executive Director along with the requirement to respond to the Executive Director within 2 business days of receipt of her emails or phone calls. Board Member Dr. Marchese stated she would like to add the requirement that Respondent attend 3 Board meetings during the time of her probation.

Roll Call Vote: Dr. Popiel; Aye, Mr. Silbert; Aye, Dr. Marchese; Aye, Dr. Sadilek; Aye. Motion Carried 4 Ayes, 3 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	3			x	x	x		

7. BOARD TRAINING PRESENTED BY ASSISTANT ATTORNEY GENERAL SABRINA KAHN

This item was tabled.

8. CALL TO THE PUBLIC

No request received.

9. DISCUSSION AND CONSIDERATION OF EXECUTIVE DIRECTOR'S REPORT

- A. Budget
- B. Licensing and Case Status Report
- C. Executive Order 2017-03 Report
- D. Proposed Medical Marijuana Guidelines
- E. Auditor General Report Follow up

The Executive Director gave a brief overview of the items in the report. No action required.

10. FUTURE AGENDA ITEMS

Board member Dr. Marchese stated the board may want to discuss the idea of skipping a July meeting because of the scheduling conflict of the naturopathic conferences. The Executive Director stated we could consider it at the June meeting based on the amount of board business required at that time.

11. ADJOURNMENT

The meeting was adjourned at 2:55 pm.