



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 - Public Member, Vacant– Physician Member, Diva Galan - Public Member, Heston Silbert - Public Member, Vacant- Physician Member

MINUTES - Draft

BOARD MEETING

**Thursday, May 10, 2018 • 1:00 p.m. • Board Room C
1740 W. Adams Phoenix, AZ 85007**

1. CALL TO ORDER BY PRESIDING OFFICER

The meeting was called to order at 1:01 pm by Dr. Bruce Sadilek, Board Chair

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

| | | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | Vacant | GALAN | SILBERT | Vacant |
|---------|---|------------------|----------------------|--------------------------|--------|-------|---------|--------|
| Present | 4 | x | x | x | | x | | |
| Absent | 1 | | | | | | x | |
| Vacant | 2 | | | | x | | | x |

Mr. Silbert joined the meeting at 1:02 pm.

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 Declared

3. CIVILITY STATEMENT

Dr. Bruce Sadilek, Board Chair, 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

Alvarez, Wilbert-John (temporary license issued in accordance with A.R.S. § 32-1522.01)

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

B. Naturopathic Medical License by Endorsement

Hines, Shaon

Porter, Alexandra

C. Initial Certificate to Dispense

Franco-Chavez, Jessyca
Herro, Frederick
Moreno, Celaine
Winnett, Kelly

D. Reinstatement of Retired Medical License

Orlowski, Jennifer

E. Renewal Certificate to Dispense

Allen, Jason
Allshouse, Andres
Archambault, Brian
Arnold, Frederick
Baral, Matthew
Bejarano, Alfredo
Binder, Chantal
Birdsall, Shauna
Black, Wayne
Boor, Terry
Cain, Nicole
Castle, Holly
Chastant, Brandon
Chinoy, Riyana
Clough, Kelly
Cochran, Jorge
Contreras-Lopez, Andrea
Deal, Sheldon
Dickens, Andrew
Drobot, Jeffrey
Dunn, Melenie
Ferchoff, Ryan
Flagler, Lila
Flagler, Samuel
Frank, Thomas
Freeze, Karen
Gold, Amy
Gomendi, Sara
Gowey, Brandie
Grady, Elizabeth
Grimes Saber, DeeAnn
Grobe, Denise
Hansen, Clark
Harris, Kimberly
Havens, Jennifer
Husami, Margaret
Hyun, Yu-Ree
Inouoye, Vance
James, Cara
Jamison, Carol

Jeffers, Monica
Kasdorf, Cheryl
Kopcio, Jordan
Kremer, Reiner
Krieger-Fiedler, Allyn
Lambert Rampe, Laura
Lan, Cara
Lane, Kiera
Lee, Stephen
Longenecker Gregory, Margot
Major, Michael
Maltais, Shannon
Manrique, Javier
Marchese, Marianne
McNeil, Alexis
McNeil, Jason
Messer, Stephen
Misir, Parabatie
Mitchell, Jessica
Mittman, Laura
Mittman, Paul
Monterrey, Dayna
Nafe, Babak
Nenninger, Steve
Novakova, Katka
Nuckolls, Katheryn
Orlowski, Andria
Orlowski, Jennifer
Oxley, Barbara
Oxley, John
Ozalan, Glenn
Palzer, Anne
Pierce, Brandy
Porter, Jason
Predmore, Leslie
Preston Hesler, Sarah
Proefrock, Kenneth
Rader, Alan
Rames, Oceana
Reilly, Joshua
Roberson Alexander, Amanda
Robinson, John
Rodriguez, Odessa
Rodriquez, Yolanda
Romero-Boasch, Cristina
Seitz, Stephanie
Sherman, Leah
Shiffler, Nichole
Sickinger, Karleen
Simmons-Stuber, Margie
Smith, Jennifer

Sorensen, Christine
Spice, Lussier
Stage, Katrina
Strom, Mark
Strong, Christine
Sundene, Nicole
Sundene, Nicole
Swanick, Summer
Swartz, Tara
Tallman, David
Tallman, Ty
Tamburri, Frank
Tapia, Paola
Tehrani, Nirvana
Tellier, Krystal
Tims, Lucas
Togalla, Deborah
Tuggle, James
Turner, Lelia
Turrell, Shana S.
Tveit-Pettersen, Sonja
Valentin, Ann-Charlotte
Volk, Kimberly
Wayne, Emilee
Wdown, Heather
Wheeler, Miriam
Williams, Allison
Winton, Jeffrey
Woeller, DeAnna
Wojciak, Bret
Wolf, Jacob
Wright, Ellie
Zenhausen, Alissia

F. Renewal Medical Assistant

Diaz, Lucia

G. Renewal of Certificate to Conduct a Preceptorship

Mora, Carmen

H. Initial Certificate to Engage in a Clinical Training Program

Borghess, Casandra

I. Renewal Certificate to Engage in a Clinical Training Program

Cordova, Evelyn
Houtan, Houtaneh
Morales, George
O'Rourke, Tiffany
Rajcooar, Jotish

Consent Agenda Vote

Dr. Popiel made a motion to approve items 4 (A -I). Seconded by Dr. Sadilek. Motion Carried 5 Ayes, 2 Vacant.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | Vacant | GALAN | SILBERT | Vacant |
|---------|------|------------------|----------------------|--------------------------|--------|-------|---------|--------|
| Yes | 5 | x | x | x | | x | x | |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 2 | | | | x | | | x |

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

A. Dr. Ardeschir Mehrabani, Case Number 17-074- Continuation of Investigative Interview

Dr. Ardeschir was present, with his Legal representative, Ms. Robin Davis, Esq. Ms. Anthony gave a summary of the case and additional records review. Ms. Davis referenced the charts being reviewed at this meeting, stating she believed from a medical perspective the charting had improved.

Although the charts Dr. Mehrabani supplied the Board for review were still hand written, Ms. Davis indicated that the electronic medical records system Dr. Mehrabani referenced at the January 2018 meeting, has now been implemented. As evidence, Ms. Davis submitted a letter signed by the provider of the Charm electronic records system, indicated the system was fully implemented on April 23, 2018.

Dr. Sadilek stated that he does not see a big difference in the most recent charting, compared to the charting originally reviewed in this case. Stating he is concerned that this is the example of how Dr. Mehrabani is currently charting, and that the charts lack even a common S.O.A.P. format.

Dr. Popiel stated that he agrees with Dr. Sadilek's concern, that the records are not in a S.O.A.P format, still lack items such as diagnosis codes and plans, and is concerned Dr. Mehrabani is not following through with the Board recommendations.

Dr. Mehrabani stated he is now using the electronic medical records format, he takes the lap top into the exam room with him and it prompts him to remember to complete the records by filling in boxes, is using the coding available in the system format, and he emails treatment plans to the patients.

Mr. Silbert asked Dr. Mehrabani if he was still prescribing Ketamine. He stated he had prescribed it one time and that it was topical. Mr. Silbert followed up asking about the prescriptions for Adderall. Dr. Mehrabani acknowledged that the reason he had been brought before the Board was due to writing an out of scope prescription for Adderall and Oxycodone.

Ms. Galan stated it seemed to have taken a very long time for Dr. Mehrabani to implement the electronic records system. Based on the statements he made at the January 18, 2018 meeting, left the Board with the impression the EMR system was already being phased in.

Dr. Sadilek made a motion to go into Executive Session for Legal Advice. Seconded by Dr. Popiel. Motion Carried 5 Ayes, 2 Vacant.

The Board returned to Open Session at 1:21 pm.

Dr. Sadilek stated Dr. Mehrabani is before the Board again, he is not seeing much improvement or change in the charting, and if these charts notes had to be transferred to another physician, that physician could not understand what was being done in terms of patient treatment. And additionally we have the issue of a couple of out of scope prescriptions.

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

The Board returned to Opens Session at 1:47pm.

Dr. Sadilek made a motion to offer a consent agreement for 6 month probation to include random chart monitoring. Ms. Galan requested the addition of random prescription monitoring by running PMP audits. Dr. Sadilek amended his motion to include prescription monitoring. Seconded by Mr. Silbert.

Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | Vacant | GALAN | SILBERT | Vacant |
|---------|------|------------------|----------------------|--------------------------|--------|-------|---------|--------|
| Yes | 5 | x | x | x | | x | x | |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 2 | | | | x | | | x |

B. Dr. Carrie Rittling, Case Number 18-086 - Investigative Interview

Dr. Rittling was present with her Legal representative, Ms. Robin Davis, Esq. Ms. Anthony presented a summary of the case to the Board. The complainant in this case is the father of the patient, a minor child with Autism. The mother and father of the child are divorced. The father did accompany the mother and child to at least one medical appointment with Dr. Rittling.

Dr. Sadilek confirmed that Dr. Rittling originally treated the patient in 2014 when the patient was age 5. At that time she performed an organic acid test and placed the patient on nystatin. The patient was not seen again until July of 2017 when the mother told Dr. Rittling she was using a biofeedback machine on the patient. Dr. Rittling was not opposed to using biofeedback, however she had not prescribed its use. The complainant referenced the use of the biofeedback as shock treatment and accused Dr. Rittling of prescribing the procedure.

The complainant was present stating he was concerned because his daughter was displaying overstimulation behavior since the treatment with Dr. Rittling began again.

Mr. Silbert questioned the complainant regarding the custodial agreement between the father and mother. The father confirmed the agreement was 50/50 and medical processes have to be vetted through both parents. Mr. Silbert asked the father if the use of the biofeedback machine was the most concerning to him because he was not included in the decision making process concerning its use, to which the father confirmed that was true. Mr. Silbert stated that there seems to be a communication issue on the part of the parents, in terms of failure to fully inform Dr. Rittling of the co-parenting medical vetting process outlined in the divorce paperwork, and the expectation on the part of the complainant that the physician should somehow have known this.

Dr. Sadilek confirmed with the complainant that the child has a primary care physician.

Mr. Silbert asked Dr. Rittling what her impression of the custodial agreement was. Dr. Rittling stated she was under the impression that the mother was the primary custodial decision maker for the child, which was based in part on how the mother completed the intake form, listing the father only as an emergency contact.

Mr. Silbert made a motion to dismiss the case. Seconded by Dr. Sadilek.

Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | Vacant | GALAN | SILBERT | Vacant |
|---------|------|------------------|----------------------|--------------------------|--------|-------|---------|--------|
| Yes | 5 | x | x | x | | x | x | |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 2 | | | | x | | | x |

C. Dr. Judith Jones, Case Number 17-072 - Investigative Interview

Dr. Jones was present with her legal representative, Ms. Teresa Sanzio, Esq. Ms. Anthony presented a summary of the case to the Board. The complainant was seen by Dr. Jones in 2014 when she was certified for medical marijuana at United Medical Marijuana Certification clinic. Dr. Jones left that clinic in May of 2016 and opened her own practice. Dr. Jones stated that when she left she took most of the patient information with her, stating she thought the charts belong to her as the treating physician. She later used that information to solicit patients for her new clinic. The Board received the complaint from patient RB after she received a voice message left on her phone from Dr. Jones, informing her of the new location and offering a special.

Dr. Popiel stated that all the intake forms and paperwork state UMMC, not Dr. Judith Jones. Dr. Popiel confirmed that the patients paid UMMC directly. Dr. Jones confirmed the patients paid UMMC directly and that she would be paid a percentage from UMMC.

Mr. Silbert asked Dr. Jones how she obtained the patient information when she left. Dr. Jones states she had collected the patient information on her computer regarding the patients she had seen.

Ms. Galan asked Dr. Jones if there was any type of written agreement or contract between her and UMMC. Dr. Jones stated there was no contract, there was just a verbal fee arrangement.

Ms. Galan made a motion to go into Executive Session for Legal advice. Seconded by Dr. Sadilek. Motion Carried 5 Ayes, 2 Vacant.

The Board returned to Open Session at 2:50pm.

Ms. Tibbits asked if there was any area on the form where a patient could indicate they were agreeing to be contacted via phone or email. Dr. Jones stated no, the forms from UMMC did not have that option.

Ms. Silbert made a motion to issue a Letter of Concern for failure to keep patient privacy. Ms. Galan seconded the motion.

Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | Vacant | GALAN | SILBERT | Vacant |
|-----|------|------------------|----------------------|--------------------------|--------|-------|---------|--------|
| Yes | 5 | x | x | x | | x | x | |
| No | 0 | | | | | | | |

| | | | | | | | | |
|---------|---|--|--|--|---|--|--|---|
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 2 | | | | x | | | x |

D. Dr. Judith Jones, Case Number 18-088 - Investigative Interview

Dr. Jones was present with her Legal representative, Ms. Teressa Sanzio, Esq. Ms. Anthony presented a summary of the case to the Board. The complaint was received from a pharmacist indicating Dr. Jones had written a prescription for Oxycodone, an out of scope medication. Dr. Jones admitted she had written a total of two prescriptions for an out of scope medication.

Dr. Sadilek asked Dr. Jones if she was still seeing the patient. She stated she was, the patient is 91 years old and in a lot of pain, that he was not a good candidate for physical therapy. They did try Medical Marijuana, but discontinued its use after a few month because it was not helping.

Dr. Sadilek stated the issue here is for the out of scope prescriptions. Dr. Sadilek made a motion to issue a non-disciplinary order for 10 hours of Continuing Medical Education in the area of pharmacology, in addition to the required 30 hours for renewal of license, and to be completed within 90 days. Seconded by Ms. Galan. Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | Vacant | GALAN | SILBERT | Vacant |
|---------|------|------------------|----------------------|--------------------------|--------|-------|---------|--------|
| Yes | 5 | x | x | x | | x | x | |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 2 | | | | x | | | x |

E. Dr. Jesika DiCampli, Case Number 18-089 - Investigative Interview

Dr. DiCampli was present with her legal representation, Ms. Julie Gunnigle, Esq. Ms. Anthony presented a summary of the case to the Board. The complaint was received from a representative of Scottsdale Shea Medical Center. Dr. DiCampli was attempting a trial of labor after cesarean with a planned home birth. During labor, the patient experienced a complete uterine rupture. Dr. DiCampli confirmed that she recognized the emergent situation and immediately called 911. Upon arrival to the ER, an emergency caesarian was performed, however the child did not survive.

Dr. Sadilek asked if there was any indication during pregnancy of a possible problem. Dr. DiCampli stated there was not and stated there was not one thing she would do differently in this case in terms of care.

Dr. Sadilek stated the circumstances in this case were very unfortunately and made a motion to dismiss. Seconded by Dr. Popiel. Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | Vacant | GALAN | SILBERT | Vacant |
|---------|------|------------------|----------------------|--------------------------|--------|-------|---------|--------|
| Yes | 5 | x | x | x | | x | x | |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 2 | | | | x | | | x |

6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING DR. ROBERT GEAR, CASE NO. 13-013, MOTION TO RESCIND VOTE TO FORMAL HEARING AND REMAND FOR FURTHER INVESTIGATION

Assistant Attorney General Ms. Carrie Smith was present representing the Board. Assistant Attorney General Ms. Sabrina Khan represented the State in this matter, and summarized the motion. Dr. Sadilek made a motion to approve the motion to rescind and remand for further investigation. Seconded by Dr. Popiel. Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | Vacant | GALAN | SILBERT | Vacant |
|---------|------|------------------|----------------------|--------------------------|--------|-------|---------|--------|
| Yes | 5 | x | x | x | | x | x | |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 2 | | | | x | | | x |

7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING DISCIPLINARY ACTION OF DR. RYAN KRCH, AS POSTED ON THE BOARD'S WEBSITE.

Dr. Krch was present with his legal representative Ms. Lauren Weinzweig, Esq. Ms. Anthony gave a summary of the request for review of the language on the Board's website which discloses the disciplinary actions involving Dr. Ryan Krch.

Mr. Silbert made a motion to go into Executive session for legal advice. Seconded by Ms. Galan. Motion carried 5 Ayes, 2 Vacant.

The Board returned to open session at 4:15 pm.

Dr. Sadilek stated that it may be necessary for Dr. Krch to contact Google regarding any outdated material that may be showing up on a Google search, if that material is out of the control of the Board. Dr. Sadilek made a motion to review the alternative language and continue the matter. Seconded by Mr. Silbert. Roll Call: Ms. Galan; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Bennett; Aye. Motion Carried 5 Ayes, 2 Vacant.

| | VOTE | SADILEK Chair | POPIEL Vice Chair | TIBBITTS Sec. / Tres. | Vacant | GALAN | SILBERT | Vacant |
|---------|------|------------------|----------------------|--------------------------|--------|-------|---------|--------|
| Yes | 5 | x | x | x | | x | x | |
| No | 0 | | | | | | | |
| Abstain | 0 | | | | | | | |
| Absent | 0 | | | | | | | |
| Recused | 0 | | | | | | | |
| Vacant | 2 | | | | x | | | x |

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

A. Aaron Kleinpeter

Mr. Kleinpeter was present. Ms. Anthony gave a summary of the application which indicated an August 2010 incident.

Dr. Sadilk asked Mr. Kleinpeter if there had been any problems with substances since that time, and confirmed he had completed the diversion program. Mr. Kleinpeter indicated that had not been any issues with substances since that time and indicated that he had completed the diversion program. Dr. Sadilek made a motion to

approve the application for clinical training certificate. Seconded by Mr. Silber. Motion Carried 5 Ayes, 2 Vacant.

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

A. Dr. Brian Popiel

Dr. Popiel recused himself. Dr. Popiel made a motion to approve the application for renewal of certificate to dispense. Seconded by Dr. Sadilek. Motion Carried 4 Ayes, 1 Recused, 2 Vacant.

10. EXECUTIVE DIRECTOR'S REPORT

A. Budget

B. Licensing and Case Status
Tabled

11. FUTURE AGENDA ITEMS

None Requested

12. CALL TO THE PUBLIC

Mr. Baron Glasgow from the AZNMA gave a brief update on continuing medical education presented a few weeks earlier.

13. ADJOURNMENT

The meeting was adjourned at 4:28 pm.