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.

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   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.
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
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.

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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.

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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.

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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 morhpine, 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.

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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.

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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.