



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, Vacant, - Public Member,
Heston Silbert - Public Member, Dr. Brian J. Popiel - Physician Member

MINUTES

BOARD MEETING

**Thursday, November 9, 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 1:02 p.m.

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

		SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec./Tres.	ELDRIDGE	Vacant	SILBERT	POPIEL
Present	5	x	X	x			X	x
Absent	1				X			
Vacant	1					x		

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

The Board Chair read the Civility Statement into the record.

4. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING BOARD MINUTES

A. Minutes of June 8, 2017 Meeting

Ms. Tibbitts made a motion to approve the minutes. Seconded by Dr. Sadilek. Motion approved 4 Ayes, 1 Absent, 1 Vacant.

B. Executive Session Minutes of the June 8, 2017 Meeting

Dr. Marchese made a motion to approve the minutes. Seconded by Ms. Tibbitts. Motion approved 4 Ayes, 1 Absent, 1 Vacant.

C. Minutes of the July 13, 2017 Meeting

Dr. Marchese made a motion to approve the minutes. Seconded by Ms. Tibbitts. Motion approved 4

Ayes,1 Absent, 1 Vacant.

- D. Executive Session Minutes of the July 13, 2017 Meeting
Dr. Marchese made a motion to approve the minutes. Seconded by Ms. Tibbitts. Motion approved 4 Ayes, 1 Absent, 1 Vacant.
- E. Minutes of the August 10, 2017 Meeting
Dr. Marchese made a motion to approve the minutes. Seconded by Ms. Tibbitts. Motion approved 4 Ayes, 1 Absent, 1 Vacant.
- F. Minutes of the October 12, 2017 Meeting
Dr. Marchese made a motion to approve the minutes. Seconded by Ms. Tibbitts. Motion approved 4 Ayes, 1 Absent, 1 Vacant.
- G. Executive Session Minutes of the October 12, 2017 Meeting
Marchese made a motion to approve the minutes. Seconded by Ms. Tibbitts. Motion approved 4 Ayes, 1 Absent, 1 Vacant.

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

A. Naturopathic Medical License by Examination

Bennett, Shannon (temporary license issued in accordance with A.R.S. § 32-1522.01)
Bloom, Laura (temporary license issued in accordance with A.R.S. § 32-1522.01)
Dean, Vanessa (temporary license issued in accordance with A.R.S. § 32-1522.01)
Garcia, Victoria (temporary license issued in accordance with A.R.S. § 32-1522.01)
Grund, Andrea (temporary license issued in accordance with A.R.S. § 32-1522.01)
Hawks, Jennifer
Hesselbrock, Rachel
Krueger, Dylan (temporary license issued in accordance with A.R.S. § 32-1522.01)
Reveron, Jorge (temporary license issued in accordance with A.R.S. § 32-1522.01)
Soto-Johnson, Christy
Warren, Brittany (temporary license issued in accordance with A.R.S. § 32-1522.01)
Wright, Ellie (temporary license issued in accordance with A.R.S. § 32-1522.01)

B. Naturopathic Medical License by Endorsement

Faler, Phillip
Raisanan, Peter

C. Naturopathic Medical License Reinstatement of Retired License

Bell, Carlie
Rada, Teresa

D. Renewal Naturopathic Medical License

Allhouse, Andrew
Anderson, Leah
Baxter, Kathy
Beck, Forrest
Boor, Terry
Brandeis, Damien
Callens, Rachel
Castle, Holly

Contreras-lopez, Andrea
Cronin, Courtney
Dagstani, Nael
Darley, April
de Graaff, Sonja
DiFilippo, Mary
Espinol. Raquel
Grey, Laurence
Hamilton, Cheryl
Hansen, Clark
Hayford, Erin
Hoffman, Jordan
Hooker, Laree
Huber, Colleen
Imundo, John
Jain, Suneil
Jamison, Carol
Jeffers, Monica
Johnson, Nick
Keton, Dana
Khoshaba, Linda
Kruzel, Thomas
Kwan, Laurinda
Lambert, Linda
Marsh-Jones, Barbara
Martin, Lindsay
McDaniel, Allison
McNeil, Alexis
McNeil, Jason
Mitchell, Jessica
Monterrey, Dayna
Nenninger, Steve
Novakova, Katka
Nuckolls, Katheryn
Pierce, Brandy
Sage, Kathryn
Schwehr, Maureen
Smith, Bradley
Soheily, Saman
Stalker, MaryAnn
Stallone, Paul
Steinberger, Katrina
Steinborn, Shawn
Stewart, Elaine
Strand, Roxie
Swan, Farra
Swartz, Tara
Tehrani, Nivana
Thacker, Meghna
Turner, Mary Jo
Uzick, Michael

Werner, Stefanie
Woeller, DeAnna
Zdan, Jill

E. Initial Certificate to Dispense

Adams, Konstantina
Avakian, Ara
Bejarano, Alfredo
Bennett, Sarah
Burke, Tara
Folz, Jessica
Gariboldi, Matthew
Grund, Andrea
Hawks, Jennifer
Huston-Myles, Stephanie
James, Cara
Jollie, Jane
Kozin, Adam
Krueger, Dylan
Mackay-Timmermans, Drew
Meraz, Samantha
Nichols, George
Palasio, Myleen
Reynolds, Thomas
Riaz, Samar
Rielly, Joshua
Rodriguez, Odessa
Ruiz, Guillermo
Shumate, Patricia
St. Rose, John
Taddiken, Elizabeth
Tapia, Paola
Wayne, Emilee
Williams, Allison
Wojciak, Bret
Wright, Ellie
Zdan, Jill
Zenhausern, Allissia

F. Retired Medical License

Petke, Richard
Yurgel, Betty

G. Renewal Certificate to Dispense

Krause, Apryl
Polanco, Sara

H. Initial Certificate to Engage in a Preceptorship

Wright, Kimberly

I. Initial Certificate to Conduct a Preceptorship

Hinjosa, Cynthia

Peyman, Tara

J. Renewal Certificate to Engage in a Clinical Training Program

Amin, Kayla
Hartwell, Lillea
Hickey, Rachel
Iroka, Chineyenwa
Schroeder, Sydney
Shaheen Emmalee
Stein, Ashley
Werner, Mykayla
Willey, Sally
Rounaghi, Saloumeh
Morgado-Slychan, Cecilia
Langston, Danielle

K. Renewal of Medical Assistant Certificate

Sherwood, Jessica
Walters, Dustin

Consent Agenda Vote. Dr. Marchese made a motion to approve agenda items 5 A-K. Seconded by Dr. Popiel. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec. /Tres.	ELDRIDGE	Vacant	SILBERT	POPIEL
Yes	5	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

A. Dr. Marie Niechwiadowicz, Case No. 17-075-Investigative Interview

Dr. Niechwiadowicz was present along with her attorney, Mr. David Williams. Ms. Anthony gave a summary of the case, which alleged the following: Dr. Niechwiadowicz prescribed medications that were not within the prescriptive scope of a naturopathic physician's license that included Adderall, Ritalin, and Fentanyl, prescribed potentially harmful combinations of medications in excessive quantity, prescribed testosterone with no laboratory results that were necessary, failed to maintain adequate medical records, and failed to comply with previous Board Orders in 15-034 and 16-045. Ms. Anthony stated Dr. Niechwiadowicz is currently on probation pursuant to a previous consent agreement, and in addition, she is under an Interim Consent Agreement for Practice Restriction. The Interim Consent Agreement currently restricts Dr. Niechwiadowicz from prescribing any controlled substance and remains in effect until the Board renders a final administration decision in this case.

Mr. Williams stated that upon receiving notification of the out-of- scope prescribing from a pharmacist, Dr. Niechwiadowicz immediately took steps to refer those patients to other physicians who could appropriately manage their care and prescribe necessary medications. In addition, she hired appropriate office staff, which should help alleviate the record keeping issue.

Mr. Silbert questioned the amount of testosterone being prescribed by Dr. Niechwiadowicz, stating to him it seemed like a lot. Dr. Popiel asked Dr. Niechwiadowicz to explain her management of these testosterone patients. Dr. Niechwiadowicz explained that the dosages may seem like a lot, but that some of her patients are "transitioning" and may require the higher dose for that purpose.

Dr. Sadilek asked Dr. Niechwiadowicz how she assesses pain, stating that it looks like there was no assessment, and that she just rewrote the prescriptions. Dr. Niechwiadowicz stated the when patients present for an office visit, she would assess their pain by using the pain scale, and by asking what other modalities they may be using. Dr. Sadilek commented that Dr. Niechwiadowicz has been practicing for 10 years, and wondered how she could possibly think it was ok to prescribe Fentanyl under her scope. He further noted that it is possible she had some of her patients on a combination of Fentanyl, Benzodiazepines and Vicodin all at the same time. Dr. Niechwiadowicz stated it was possible.

Dr. Marchese made a motion to go into Executive Session with Dr. Niechwiadowicz and Mr. Williams to discuss confidential information. Seconded by Dr. Sadilek. Motion Carried 5 Ayes, 1 Absent, 1 Vacant. Regular Session resumed at 2:05 p.m.

Dr. Marchese made a motion to offer a consent agreement regarding Case No. 17-075 with the following terms and conditions: 5 years' probation with a practice restriction of no prescribing controlled substances, random PMP audits by Board staff, additional continuing medical education requiring 15 hours in endocrinology, 15 hours in pain management and 25 hours in charting and record keeping, and monthly chart reviews by a practice monitor, which shall be preapproved by Board staff. Within 2 years of the execution date of the order, Dr. Niechwiadowicz may petition the Board for removal of the restrictions; however, it will be at the Board's discretion to deny or grant. Seconded by Mr. Silbert.

Roll Call Vote. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

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

B. Dr. Elissa Mullen, Board Case No. 17-064-Investigative Interview

Dr. Mullens was not present. Ms. Anthony gave a summary of the case in which Dr. Mullens was issued a disciplinary action by the State of Washington Naturopathic Physicians Board where she has held a license since May of 2007. According to the Washington order, Dr. Mullens was found to have prescribed out-of-- scope medications in the State of Washington, primarily narcotics, from 2012 - 2014. Although Dr. Mullens has held a naturopathic medical license in the State of Arizona since May of 2015, she has never practiced in this State.

Dr. Marchese stated she has concern that if Dr. Mullen were to move to Arizona, she may not have an understanding of the medications in Arizona's prescribing scope. Dr. Popiel expressed the same concern, and stated that if she moved to Arizona and began practicing, the Board may not know.

Dr. Sadilek mentioned the only medication she prescribed in the State of Washington, which is not in the Arizona's scope of practice was Oxycontin.

Dr. Marchese made a motion to go into Executive Session for legal advice. Seconded by Dr. Sadilek. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

The Board resumed regular session at 1:22 p.m.

Dr. Marchese made a motion to issue a non-disciplinary consent agreement requiring Dr. Mullen to notify the Board in the event she moves to Arizona and begins to practice, and register with the Controlled Substance Prescription Monitoring program. Seconded by Dr. Sadilek. Roll Call Vote. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

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

C. Dr. Ryan Ferchoff, Board Case No. 17-070-Investigative Interview.

A complaint was filed with the Board against Dr. Ferchoff that also involved Dr. Julie Nowak-Stears, N.D. and Dr. Amy Wagner, N.D. Dr. Nowak-Stears and Dr. Wagner were employed as physicians at Sedona Wellness Retreat and provided medical care to the complainant during her stay. Dr. Ferchoff attended the meeting via phone. Dr. Nowak-Stears and Dr. Wagner were present with their attorney, J. Arthur Eaves, and provided testimony in this matter.

Ms. Anthony gave a summary of the case, which alleges Patient MW was misled by the retreats advertising and the owner, Dr. Ferchoff, believing several therapies she was interested in were available at the retreat. According to MW, she did not find out that the therapies she was interested in were not available until a few days after her arrival. Dr. Ferchoff stated he had spoken to MW prior to her booking a two-week stay at the retreat, and during that conversation, she made him aware of a history of problems with IV's. According to Dr. Ferchoff, based on this information, he informed her that due to her past issues, there were some therapies offered at the retreat that would not be recommended for her.

Dr. Marchese stated that she can see by looking at the website how a person would think all the therapies listed are included in the \$6,500 fee, and asked Dr. Ferchoff what people get for paying the asking price. Dr. Ferchoff stated they get a two- week stay at the retreat, along with meals, juices, educational classes, physician support, and an individualized protocol written by staff physicians. Dr. Ferchoff stated that the therapies offered by the physicians include acupuncture and IV treatments, but at an additional cost. Dr. Ferchoff stated people receive a packet of information that includes prices and what the offers include, and that additional prices are clearly listed. Dr. Ferchoff explained that since MW left the retreat early, she was given a refund.

Dr. Popiel asked Dr. Ferchoff if there was any truth to the allegation made by MW, that the physicians on staff informed her that they had reached out to you regarding what was on the website. Dr. Ferchoff stated that over the years they have made changes and modified the website.

Dr. Stears was the physician of record for the intake on patient MW at the retreat. Dr. Sadilek asked if there was anything she feels could have been done differently in this matter, or was MW just a difficult patient. Dr. Stears said she honestly feels that she could not have done anything different in order to avoid this complaint. Dr. Marchese asked if she felt most people understand what is included in their fee. Dr. Stears stated that when people arrive at the retreat they already have reviewed the paperwork that includes pricing.

Dr. Marchese asked Dr. Wagner if the conversation between her and MW took place. According to Dr. Wagner, a conversation did take place; however, not the way it was described by MW. Dr. Wagner stated she did not tell MW she talked to Dr. Ferchoff about what was listed on the website.

Dr. Sadilek stated Dr. Ferchoff should clean-up the language on the website to reflect what is actually provided.

Dr. Marchese agreed, and added that the language "Board certified" is not appropriate as the Board issues licensure, and naturopathic physicians are not Board certified. Dr. Ferchoff stated he would go through the website and review it with the physicians.

Dr. Sadilek stated that because Dr. Ferchoff has agreed to clean-up the website language, he is moving to dismiss the case. Seconded by Ms. Tibbitts.

Roll Call Vote. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

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

D. Dr. Seth Black, Case No. 17-084-Board Approval of the Interim Consent Agreement for Practice Restriction.

Dr. Black was present. Ms. Anthony gave a summary of the Interim Consent Agreement stating it was drafted based on information the Board had in its possession regarding an incident that took place in September of 2017 and a recent DUI charge.

Dr. Marchese made a motion to go into Executive Session with Dr. Black to discuss confidential information. Seconded by Dr. Sadilek. Motion Carried 5 Ayes, 1 Absent, 1 vacant.

The Board returned to Regular Session at 2:42 pm.

Dr. Sadilek made a motion to accept the consent agreement that has already been signed by Dr. Black. Seconded by Ms. Tibbitts.

Roll Call Vote. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

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

7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR RENEWAL OF MEDICAL LICENSE

Dr. Marianne Marchese

Dr. Marchese recused herself. Dr. Sadilek made a motion to approve the application for renewal of medical license. Seconded by Ms. Tibbitts. Motion Carried, 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.

8. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION TO CONDUCT PRECEPTORSHIP TRAINING

Dr. Brian Popiel

Dr. Popiel recused himself. Dr. Marchese made a motion to approve the application to conduct a preceptorship training. Seconded by Ms. Tibbitts. Motion Carried, 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.

9. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR CERTIFICATE TO ENGAGE IN A PRECEPTORSHIP TRAINING

Alissia Zenhausern

Dr. Popiel recused himself. Dr. Marchese made a motion to approve the application for certificate to engage in a preceptorship training. Seconded by Ms. Tibbitts. Motion Carried, 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.

10. EXECUTIVE DIRECTOR'S REPORT

- A. Budget – Ms. Anthony provided an overview of the Board's budget.
- B. Licensing and Case Status – Ms. Anthony provided an overview the licensing and cases.
- C. Moving Update – Ms. Anthony stated that the Board is scheduled to relocate its offices to 1740 W. Adams Street in December 2017 or January 2018 depending on the moving schedule.
- D. Email Platform Transition – Ms. Anthony stated that the Board's email platform is transitioning to a new system, and she will keep the Board updated.
- E. Board Retention Schedule Update

11. FUTURE AGENDA ITEMS

None requested

12. CALL TO THE PUBLIC

No request was received.

13. ADJOURNMENT

The meeting was adjourned at 3:35 p.m.