



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

Diva Galan – Public Member, Heston Silbert – Public Member

Vacant – Physician Member, Vacant – Public Member

SPECIAL TELEPHONIC BOARD MEETING MINUTES Friday, July 20, 2018 • 3:00 p.m. • Conference Room 1020 1740 W. Adams Phoenix, AZ 85007

1. CALL TO ORDER BY PRESIDING OFFICER

A. Roll call of Board members and establishment of a quorum to conduct meetings.
The meeting was called to order at 3:00 pm.

Dr. Sadilek; Present via phone, Dr. Popiel; Present via phone, Ms. Tibbitts;
Present via phone, Ms. Galan; Present via phone, Mr. Silbert; joined the meeting
via phone at 3:13 pm.

B. Acknowledgement of presence of Board staff and legal counsel.

Ms. Sabrina Khan, Assistant Attorney General, Ms. Gail Anthony, Executive
Director.

2. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING NON-COMPLIANCE WITH BOARD ORDER NOS.: 15-034, 16-045, AND 17-075 FOR DR. MARIE NIECHWIADOWICZ TO INCLUDE POSSIBLE SUMMARY SUSPENSION.

Dr. Niechwiadowicz was present. Ms. Anthony gave an overview of the facts and allegations of non-compliance with Board orders, including a recently received positive drug test result.

Dr. Niechwiadowicz stated that the hair analysis test was voluntary, and she was surprised at the positive results, but presented several possibilities to the Board as to why it would have come back positive, or that it may have been a false positive.

Dr. Popiel confirmed that in May, both urine analysis tests came back negative, but in June there were no urine analysis test result received.

Dr. Sadilek commented that hair analysis is commonly used in forensics.

Mr. Silbert stated that he believed the Board should not debate the validity of the test result, that it should be either taken at face value or not.

Ms. Galan agreed she believed the test should be taken at face value.

Dr. Sadilek stated the Board's job is to protect the public, and would like to see Dr. Niechwiadowicz have another fitness to practice evaluation.

Dr. Popiel stated it makes sense to have a third party evaluation of Dr. Niechwiadowicz's ability to practice.

3:38 pm., 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 4:15 pm.

Ms. Galan stated she feels a proactive action should be taken by the Board.

Ms. Tibbitts stated there should be some type of practice suspension based on the history and lab results.

Dr. Sadilek made a motion to offer an interim consent agreement for license suspension until the Board receives completion of additional hair tests and completion of a second fitness to practice examination by a Board staff approved evaluator.

Dr. Popiel agreed that the Board needs to do some sort of practice restriction.

4:22 pm., 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 4:24 pm.

Dr. Sadilek restated his motion to offer an interim consent agreement for a practice restriction pending the outcome of a hair analysis, fitness to practice evaluation and Board approval. Seconded by Ms. Tibbitts. Roll Call Vote: Dr. Sadilek; Aye, Dr. Popiel; Aye, Ms. Tibbitts; Aye, Ms. Galan; Aye, Mr. Silbert; Aye. Motion Carried 5 Ayes, 2 Vacant.

Dr. Sadilek made a motion to approve the findings of facts based upon the findings in the investigative report, and receipt of positive hair analysis. Seconded by Dr. Popiel. Roll Call Vote: Dr. Sadilek; Aye, Dr. Popiel; Aye, Ms. Tibbitts; Aye, Ms. Galan; Aye, Mr. Silbert; Aye. Motion Carried 5 Ayes, 2 Vacant.

3. ADJOURNMENT

The board adjourned at 4:28 pm