



# State of Arizona Naturopathic Physicians Medical Board

“Protecting the Public’s Health”

1740 W. Adams, Ste. 3002 • Phoenix, AZ 85007 • Telephone 602-542-8242

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## Douglas A. Ducey – Governor

Dr. Bruce Sadilek, ND – Chair, Dr. Brian J. Popiel, ND – Vice Chair, Karen Tibbitts – Secretary/Treasurer

Divya Galan – Public Member, Heston Silbert – Public Member

Dr. Dan Rubin ND – Physician Member, Dr. Tam Spat – Physician Member

### BOARD MEETING MINUTES

Thursday, November 8, 2018 • 12:30 pm • Board Room C

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 by Dr. Sadilek at 12:37 pm.

Ms. Anthony called Roll

|         | VOTE | SADILEK<br>Chair | POPIEL<br>Vice<br>Chair | TIBBITTS<br>Sec. / Tres. | GALAN | SILBERT | RUBIN | SPAT |
|---------|------|------------------|-------------------------|--------------------------|-------|---------|-------|------|
| Present | 5    | x                | x                       |                          | x     |         | x     | x    |
| Absent  | 2    |                  |                         | x                        |       | x       |       |      |

Ms. Tibbitts joined the meeting at 12:52 pm.

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

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

#### 2. DECLARATIONS OF CONFLICTS OF INTEREST

Dr. Sadilek declared a conflict on item 5 (D).

#### 3. CIVILITY STATEMENT

Dr. Sadilek 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

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

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

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

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

B. Naturopathic Medical License by Endorsement

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

Rich, Gregory

C. Renewal Medical License

Ahdut, Amira

Allshouse, Andrew

Audette, Kathleen

Baxter, Kathy

Bejarano, Alfredo

Bendokaitis, Beth

Berkner, Krisitn

Birdsasll, Shauna

Brandeis, Damien

Brooks, Barbara

Burke, Tara

Calimeri, Susan

Castle, Holly

Chanstant, Brandon

Chinoy, Riyana

Chung, Ashley

Cochran, Jorge

Collins, Kelly

Dardis, Mark

Davenport, Emily

Dawahare, Melissa

De Graaff, Sonja

Dickerson, Wendy

Dunn, Melenie

Finker, Jillian

Fox, Joelle

Grank, Thomas

Gregory, Margot

Haebe, Patricia

Hamilton, Cheryl

Hansen, Clark

Harris Crossley, Meagan

Helioti, Maria

Hoffman, Jordan

Hu, YiQiu

Hummel, Michael

Husami, Margaret

Ian, Hannah

Jamison, Carol

Jeffers, Monica

Johnson, Cheryl

Kerievsky, Adam  
Kim, Cho Long  
Kollin, Cheryl  
Kremer, Reiner  
Lambert Rampe, Laura  
Lan, Cara  
Larrow, Anita  
Lashutka, Kenneth  
Lee, Stephen  
Lovejoy, Rebecca  
Luevano, Libia  
Madsen, Christine  
Manrique, Javier  
Marchese, Marianne  
Martin, Lindsay  
Matthias, Ronald  
McNeil, Alexis  
McNeil, Jason  
Meeds, Wilfred  
Mehrabani, Ardeschir  
Messer, Stephen  
Milligan, Christopher  
Millisen, Robert  
Misir, Parabatie  
Mitchell, Jessica  
Mittman, Laura  
Mundt, Jennifer  
Myles, Stephanie Huston  
Nafe, Babak  
Novakova, Katka  
Oertle, John  
Ortiz, Jose  
Peyman, Tara  
Pierce, Brandy  
Proefrock, Kenneth  
Purcell, Andrea  
Qamar-Busler, Leticia  
Ranon, Roselyn  
Rhodes, Rachel  
Rundle, Graciela  
Sage, Kathryn  
Sickinger, Karleen  
Smekens, Michelle  
Song, Crystal  
Stallone, Paul  
Stark, Stephanie  
Steinborn, Shawn

Stewart, Elaine  
Swanick, Summer  
Tallman, Ty  
Tehrani, Nivana  
Thompson, Corrie  
Tran, Jessica  
Turner, Leila  
Tviet-Pettersen, Sonja  
Warren, Daniel  
Wazny, Philip  
Wdowin, Garrett  
Whitney, Travis  
Wilson, Donielle  
Winter, Erin  
Woeller, DeAnna  
Wojciak, Bret  
York, Shannon  
Zupa, Victoria

DRAFT

D. Initial Certificate to Dispense

Aussems, Christopher  
Crowley, Rachal  
Mitchell, William  
Muro, Eugene  
Reveron, Jorge  
Roos, Kristin  
Spurgeon, James  
Wool, Daniel

E. Reinstate Certificate to Dispense

Raisanen, Peter

F. Application to Retire Medical License

Eihausen, Eugene

G. Initial Certificate to Conduct a Preceptorship

Ferchoff, Ryan

H. Initial Certificate to Engage in a Preceptorship

Quart, Kendra

I. Initial Medical Assistant Certificate

Arvayo, Danna

J. Initial Certificate to Engage in a Clinical Training Program

Scott, Shay-Ann

- K. Renewal Certificate to Engage in a Clinical Training Program  
 Figueredo, Nicolas  
 Hayes, Sarah  
 Moore, Meagan  
 Ryder, Loreena  
 Schroeder, Sydney

**Consent Agenda Vote:** Dr. Rubin made a motion to approve items 4 A – K. Seconded by Dr. Popiel. Roll Call: Dr. Spat; Aye, Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye. Motion Carried 5 Ayes, 2 Absent.

|         | VOTE | SADILEK<br>Chair | POPIEL<br>Vice<br>Chair | TIBBITTS<br>Sec. / Tres. | GALAN | SILBERT | RUBIN | SPAT |
|---------|------|------------------|-------------------------|--------------------------|-------|---------|-------|------|
| Yes     | 5    | x                | x                       |                          | x     |         | x     | x    |
| No      | 0    |                  |                         |                          |       |         |       |      |
| Abstain | 0    |                  |                         |                          |       |         |       |      |
| Absent  | 2    |                  |                         | x                        |       | x       |       |      |
| Recused | 0    |                  |                         |                          |       |         |       |      |

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

- A. Dr. Michael Miller, Case Number 18-095, Initial Review, To Include Consideration, And Possible Action Of The Consent Agreement For Surrender. Brianna Jagelski, Esq. was present representing Respondent. Ms. Harrison was present and outlined the impact T.C.’s death has had on her and the family.

After confirming the Board had no questions or discussion regarding the agreement, Dr. Sadilek made a motion to accept the consent agreement for voluntary surrender of Dr. Miller’s Medical License. Seconded by Dr. Rubin. Roll Call: Dr. Spat; Aye, Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye. Motion Carried 5 Ayes, 2 Absent.

|         | VOTE | SADILEK<br>Chair | POPIEL<br>Vice<br>Chair | TIBBITTS<br>Sec. / Tres. | GALAN | SILBERT | RUBIN | SPAT |
|---------|------|------------------|-------------------------|--------------------------|-------|---------|-------|------|
| Yes     | 5    | x                | x                       |                          | x     |         | x     | x    |
| No      | 0    |                  |                         |                          |       |         |       |      |
| Abstain | 0    |                  |                         |                          |       |         |       |      |
| Absent  | 2    |                  |                         | x                        |       | x       |       |      |
| Recused | 0    |                  |                         |                          |       |         |       |      |

- B. Dr. Carlos Santo, Case Number 18-093, Initial Review  
 Dr. Santo was present along with his Attorney, Brianna Jagelski, Esq.  
 Dr. Goodrich; the complainant in the case, was present and addressed the Board.

1:33 pm. Ms. Galan made a motion to go into Executive Session for Legal Advice.  
 Seconded by Dr. Popiel. Motion Carried 6 Ayes, 1 Absent.

1:47 pm. The Board returned to open session.

Dr. Sadilek pointed out Dr. Santo had submitted to the Board, proof of completion of additional continuing medical education regarding HIPAA in response to this case.

Dr. Sadilek made a motion to issue a non-disciplinary order for continuing medical education in the amount of 9 hours, in the areas of medical cannabis, and physical examination. Dr. Rubin seconded the motion.

Roll Call: Dr. Spat; Aye, Dr. Rubin; Aye, Ms. Galan; Nay, explaining she feels the matter rises to the level of discipline, Dr. Popiel; Aye, Dr. Sadilek; Aye.

Motion Carried 5 Ayes, 2 Absent.

|         | VOTE | SADILEK<br>Chair | POPIEL<br>Vice<br>Chair | TIBBITTS<br>Sec. / Tres. | GALAN | SILBERT | RUBIN | SPAT |
|---------|------|------------------|-------------------------|--------------------------|-------|---------|-------|------|
| Yes     | 5    | x                | x                       | x                        |       |         | x     | x    |
| No      | 1    |                  |                         |                          | x     |         |       |      |
| Abstain | 0    |                  |                         |                          |       |         |       |      |
| Absent  | 1    |                  |                         |                          |       | x       |       |      |
| Recused | 0    |                  |                         |                          |       |         |       |      |

C. Dr. Schuyler McHenry, Case Number 18-101, Initial Review

Dr. McHenry was present. Dr. Sadilek made a motion to dismiss the case.

Seconded by Dr. Rubin. Roll Call: Dr. Spat; Aye, Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye. Motion Carried 6 Ayes, 1 Absent.

|         | VOTE | SADILEK<br>Chair | POPIEL<br>Vice<br>Chair | TIBBITTS<br>Sec. / Tres. | GALAN | SILBERT | RUBIN | SPAT |
|---------|------|------------------|-------------------------|--------------------------|-------|---------|-------|------|
| Yes     | 6    | x                | x                       | x                        | x     |         | x     | x    |
| No      | 1    |                  |                         |                          |       |         |       |      |
| Abstain | 0    |                  |                         |                          |       |         |       |      |
| Absent  | 1    |                  |                         |                          |       | x       |       |      |
| Recused | 0    |                  |                         |                          |       |         |       |      |

D. Dr. Michael Miles, Case Number 17-083, Investigative Interview

Dr. Sadilek Recused himself. Dr. Popiel sat in as Chair for this matter. Dr. Miles was present along with his Attorney, Mr. Steve Mahaffey, Esq.

Dr. Popiel made a motion to dismiss case no. 17-083. Seconded by Dr. Rubin.

Roll Call: Dr. Spat; Aye, Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Ms.

Tibbitts; Aye. Motion Carried 6 Ayes, 1 Absent.

|         | VOTE | SADILEK<br>Chair | POPIEL<br>Vice<br>Chair | TIBBITTS<br>Sec. / Tres. | GALAN | SILBERT | RUBIN | SPAT |
|---------|------|------------------|-------------------------|--------------------------|-------|---------|-------|------|
| Yes     | 5    |                  | x                       | x                        | x     |         | x     | x    |
| No      | 0    |                  |                         |                          |       |         |       |      |
| Abstain | 0    |                  |                         |                          |       |         |       |      |
| Absent  | 1    |                  |                         |                          |       | x       |       |      |
| Recused | 1    | x                |                         |                          |       |         |       |      |

**6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION TO OPEN A COMPLAINT REGARDING DR. KENNETH PROEFROCK; ARIZONA STATE BOARD OF PHARMACY ORDER TO CEASE AND DESIST.**

Ms. Anthony summarized the information the Board received from the Arizona Pharmacy Board.

2:23 pm. Dr. Rubin made a motion to go into Executive Session for Legal advice.

Seconded by Dr. Popiel. Motion Carried 6 Ayes. 1 Absent.

2:35 pm. The Board returned to open session.

Dr. Rubin recused himself. Dr. Sadilek made a motion to open a complaint regarding this matter. Seconded by Ms. Galan. Roll Call: Dr. Spat; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye. Motion Carried 5 Ayes, 1 Recused, 1 Absent.

|         | VOTE | SADILEK<br>Chair | POPIEL<br>Vice<br>Chair | TIBBITTS<br>Sec. / Tres. | GALAN | SILBERT | RUBIN | SPAT |
|---------|------|------------------|-------------------------|--------------------------|-------|---------|-------|------|
| Yes     | 5    | x                | x                       | x                        | x     |         |       | x    |
| No      | 0    |                  |                         |                          |       |         |       |      |
| Abstain | 0    |                  |                         |                          |       |         |       |      |
| Absent  | 2    |                  |                         |                          |       | x       |       |      |
| Recused | 1    |                  |                         |                          |       |         | x     |      |

**7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR RENEWAL OF MEDICAL LICENSE WITHOUT PREJUDICE TO ANY ONGOING INVESTIGATION.**

A. Dr. Colleen Huber

Dr. Rubin recused himself.

Dr. Sadilek made a motion to approve the application. Seconded by Dr. Popiel. Roll Call: Dr. Spat; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye. Motion Carried 5 Ayes, 1 Recused, 1 Absent.

|         | VOTE | SADILEK<br>Chair | POPIEL<br>Vice<br>Chair | TIBBITTS<br>Sec. / Tres. | GALAN | SILBERT | RUBIN | SPAT |
|---------|------|------------------|-------------------------|--------------------------|-------|---------|-------|------|
| Yes     | 5    | x                | x                       | x                        | x     |         |       | x    |
| No      | 0    |                  |                         |                          |       |         |       |      |
| Abstain | 0    |                  |                         |                          |       |         |       |      |
| Absent  | 2    |                  |                         |                          |       | x       |       |      |
| Recused | 1    |                  |                         |                          |       |         | x     |      |

**8. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING REQUEST TO MODIFY OR ELIMINATE PRACTICE RESTRICTIONS AS SET FORTH IN CONSENT AGREEMENT 17-084, DR. SETH BLACK.**

After review of the supporting information supplied to the board, Dr. Sadilek made a motion to approve an amendment to the consent agreement. Seconded by Dr. Popiel. Roll Call: Dr. Spat; Aye, Dr. Rubin; Aye, Ms. Galan; Nay, explaining she feels the matter rises to the level of discipline, Dr. Popiel; Aye, Dr. Sadilek; Aye. Motion Carried 5 Ayes, 2 Absent.

|         | VOTE | SADILEK<br>Chair | POPIEL<br>Vice<br>Chair | TIBBITTS<br>Sec. / Tres. | GALAN | SILBERT | RUBIN | SPAT |
|---------|------|------------------|-------------------------|--------------------------|-------|---------|-------|------|
| Yes     | 6    | x                | x                       | x                        | x     |         | x     | x    |
| No      | 0    |                  |                         |                          |       |         |       |      |
| Abstain | 0    |                  |                         |                          |       |         |       |      |
| Absent  | 1    |                  |                         |                          |       | x       |       |      |
| Recused | 0    |                  |                         |                          |       |         |       |      |

The Board took a 5-minute recess.

Ms. Tibbitts left the meeting at 3:04 pm.

**9. FUTURE AGENDA ITEMS**

3:02 pm. Dr. Rubin requested the Board go into Executive Session for Legal Advice.  
Seconded by Dr. Popiel. Motion Carried

The Board took a 5 minute recess.  
Ms. Tibbitts left the meeting at 3:04 pm.

The Board returned to open session at 3:21 pm.  
Dr. Sadilek requested an agenda item regarding Board rules be placed on the next meeting agenda.

**10. CALL TO THE PUBLIC**

No requests received.

**11. ADJOURNMENT**

The meeting was adjourned at 3:22 pm.