



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

Divya Galan – Public Member, Heston Silbert – Public Member

Dr. Dan Rubin – Physician Member, Vacant – Physician Member

BOARD MEETING MINUTES - Draft

Thursday, October 11, 2018 • 1:00 p.m. • Board Room A

1740 W. Adams Phoenix, AZ 85007

1. CALL TO ORDER BY PRESIDING OFFICER

Dr. Sadilek called the meeting to order at 12: 10 pm

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

Ms. Anthony called roll.

		SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	RUBIN	GALAN	SILBERT	Vacant
Present	5	x	x	x	x	x		
Absent	1						x	
Vacant	1							x

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

None Declared.

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

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

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

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

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

Crowley, Rachel (temporary license issued in accordance with A.R.S. § 32-1522.01)
Donohue, Whitney (temporary license issued in accordance with A.R.S. § 32-1522.01)
Felton, Lynnea (temporary license issued in accordance with A.R.S. § 32-1522.01)
Fisher, Marianna (reinstatement)
Gardner, Nidia (temporary license issued in accordance with A.R.S. § 32-1522.01)
Gonzales, Mike (temporary license issued in accordance with A.R.S. § 32-1522.01)
Hogue, John (temporary license issued in accordance with A.R.S. § 32-1522.01)
Hu, YiQiu (temporary license issued in accordance with A.R.S. § 32-1522.01)
Izold, Adelena (temporary license issued in accordance with A.R.S. § 32-1522.01)
Lieske, Robert (temporary license issued in accordance with A.R.S. § 32-1522.01)
Massingale, Morgan (temporary license issued in accordance with A.R.S. § 32-1522.01)
Milhizer, Ashley (temporary license issued in accordance with A.R.S. § 32-1522.01)
Mitchell, William (temporary license issued in accordance with A.R.S. § 32-1522.01)
Mizera-Lieske, Kimberlyn (temporary license issued in accordance with A.R.S. § 32-1522.01)
Muro, Eugene (temporary license issued in accordance with A.R.S. § 32-1522.01)
Ramanan, Karthik (temporary license issued in accordance with A.R.S. § 32-1522.01)
Randahl, Samantha (temporary license issued in accordance with A.R.S. § 32-1522.01)
Roodvoets, Mitchell (temporary license issued in accordance with A.R.S. § 32-1522.01)
Sayegh, Jamil (temporary license issued in accordance with A.R.S. § 32-1522.01)
Shafferman, Madelein (temporary license issued in accordance with A.R.S. § 32-1522.01)
Shams, Marcus (temporary license issued in accordance with A.R.S. § 32-1522.01)
Shell, Sarah (temporary license issued in accordance with A.R.S. § 32-1522.01)
Shettell, Jacob (temporary license issued in accordance with A.R.S. § 32-1522.01)
Spurgeon, James (temporary license issued in accordance with A.R.S. § 32-1522.01)
Steen, Taelor (temporary license issued in accordance with A.R.S. § 32-1522.01)
Turner, Tiffany (temporary license issued in accordance with A.R.S. § 32-1522.01)
Wool, Daniel (temporary license issued in accordance with A.R.S. § 32-1522.01)
Wright, Berlin (temporary license issued in accordance with A.R.S. § 32-1522.01)
Wright, Robyn (temporary license issued in accordance with A.R.S. § 32-1522.01)
Yost, Kristina (temporary license issued in accordance with A.R.S. § 32-1522.01)

B. Naturopathic Medical License by Endorsement

Anguiano, Christian

C. Initial Certificate to Dispense

Austin, Kristen
Coats, Faith
Felton, Lynnea
Gonzales, Mike
Hu, Yiqiu
Lieske, Robert
Massingale, Morgan
Milhizer, Ashley
Mizera-Lieske, Kimberlyn
Randahl, Samantha
Roodvoets, Mitchell
Shafferman, Madelein

Shams, Marcus
 Shell, Sarah
 Steen, Taelor
 Wilson, Donielle
 Wright, Berlin
 Wright, Robyn
 Yost, Kristina

D. Renewal Certificate to Dispense

Maturo, Lisa
 Muhammad, Hanifah
 Sabatier, Steven

E. Renewal Medical Assistant

Gear, Christina

F. Initial Certificate to Conduct a Preceptorship

Feria, Lilia
 Molina, Jose

G. Renewal of Certificate to Conduct a Preceptorship

Inouye, Vance
 St. John, II, John

H. Initial Certificate to Engage in a Preceptorship

Muro, Eugene

I. Initial Certificate to Engage in a Clinical Training Program

Citro, Adriane

J. Renewal Certificate to Engage in a Clinical Training Program

Carlblom, Bronwyn
 Galloway, Kailyn
 Krick, Kira
 Rebeyka, Alexis

Consent Agenda Vote

Dr. Rubin made a motion to approve items 4 (A – J). Seconded by Ms. Tibbitts.

Motion carried 5 Ayes, 1 Absent, 1 Vacant.

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

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

A. Dr. Jelina Ip, Case Number 17-077, Investigative Interview

Dr. Ip was present with her Attorney, Ms. Melanie Laboy, Esq.

Ms. Laboy stated for the record that Dr. Ip was comfortable answering questions regarding board case 17-077, however she has advised Dr. Ip not to answer questions regarding the other two cases.

Dr. Sadilek confirmed that Dr. Ip would discuss this case, and gave her the opportunity to address the Board. Dr. Ip stated Attorney Black was requesting medical records and her staff had told her the records had been sent. She stated that she knows the medical records were sent out for this patient, but does not know who received them the first time, and that there had been multiple requests for the medical records.

Dr. Popiel asked who was taking the 6 different calls from the Attorney letting you know the medical records did not make over there. Dr. Ip stated she took the last call and sent it over there herself. Dr. Rubin stated he would like to know what transpired during this time period. Dr. Ip stated she asked the person in charge of sending medical records and they told her that they were sent. She stated she changed her procedures in July, and the standard turn around for medical records now is about 30 days.

Dr. Rubin stated that Dr. Ip should present the written protocol to the Board.

Dr. Sadilek stated that although she tells us she has a procedure in place now, I do have concerns, and perhaps a Letter of Concern is appropriate. Dr. Rubin stated he does have concerns too.

Ms. Galan stated she has a problem with taking all of the cases separately.

12:48 PM. Dr. Sadilek made a motion to go into Executive Session for Legal Advice.

Seconded by Ms. Galan. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

12:55 PM The Board returned to Open Session.

Dr. Sadilek stated the options are to take 17-077 on its own and roll 07-078 and 08-092 together, or roll all three of those cases together.

Ms. Khan stated the Board should deliberate on each case.

Ms. Galan stated she would like to discuss the failure to keep adequate medical regarding case 17-077. Dr. Popiel stated there seems to be a lack of in depth physical exam. Dr. Rubin pointed out lack of documentation in the medical records, commenting the documentation appears to be 3 sentences. Dr. Rubin stated the Board should move on to the next case. Dr. Sadilek agreed and summarized that this case involved the untimeliness of the records being sent to Attorney Black, but that there are also multiple deficiencies in the chart notes.

B. Dr. Jelina Ip, Case Number 17-078, Investigative Interview

Ms. Anthony summarized the allegations against Dr. Ip, including that she may have prescribed controlled substances to some patients in excess or in dangerous combination without documented medical necessity or legitimate medical purpose. Failure to keep

adequate medical records, and may have fallen below the standard of care when treating some patients. In review of patient files, it appears Dr. Ip wrote prescriptions for numerous controlled substances for certain patients, at the same time her employed Nurse Practitioner Ms. Nicole Hannah was writing prescriptions for controlled substances.

Attorney Laboy stated Dr. Ip is not making statements in regard to allegation one based on her advice. That there is an ongoing investigation that she has been made aware of, that has nothing to do with this Board, that could result in any statement she makes in regards to this particular allegation, could be used in furtherance of that investigation, because of that I have advised her not to make a statement that involves this. It is not that she does not want to cooperate with the Board and answer questions; it is just for her own protection.

Dr. Sadilek stated you are referring to the DEA investigation. There is an interim consent agreement with the Board and asked if she is she complying with it. The Board reviewed the Interim Consent Agreement for licensure which had already be signed by Dr. Ip.

1:25 PM. Dr. Rubin made a motion to go into Executive Session for Legal Advice. Seconded by Dr. Popiel. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.
1:45 PM. The Board returned to Open Session.

C. Dr. Jelina Ip, Case Number 18-092, Investigative Interview

2:15 PM. Dr. Sadilek made a motion to go into Executive Session for Legal Advice. Seconded by Ms. Galan. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.
2:35 PM. The Board returned to Open Session.

Ms. Galan made a motion to issue a Letter of Concern regarding case 18-092, for not maintaining adequate medical records. Seconded by Dr. Popiel. Roll Call: Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

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

Dr. Sadilek made a motion to consolidate case 17-078 and 17-077, and move to Formal Hearing based on the information contained in the Investigative Reports and the Medical Consultant Report regarding patients CE, SS, KA, TN, RF, GH, and JL. Seconded by Dr. Rubin. Roll Call: Dr. Rubin; Aye, Ms. Galan; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

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

D. Dr. Todd Winton, Case Number 18-098, Investigative Interview

Ms. Anthony summarized the Board was contacted by a pharmacist concerned about a prescription which had been written by Dr. Winton for an ADHD medication. Board staff ran a pharmacy board prescription monitoring program audit and discovered during January 30, 2017 and June 27, 2018, Dr. Winton wrote 15 out of scope prescriptions for ADHD medications.

Dr. Winton was present. Dr. Sadilek asked Dr. Winton how he had determined these three patients had ADHD, and did he monitor the patients. Dr. Winton explained all three had been evaluated and diagnosed by other healthcare professionals, and that he had seen the patients at least every two months.

Dr. Popriell asked Dr. Winton if he had charts notes or anything else to go on confirming the ADHD diagnosis for these patient were valid. Dr. Winton stated two of the patients had been seen by a psychologist in another state, which email correspondence had taken place, the third patient just reported the diagnosis. Dr. Winton stated he was remorseful for not knowing what his prescription rights are. Dr. Sadilek asked Dr. Winton if he referred those patients out to someone who could write for the ADHD medications. Dr. Winton stated he did.

Dr. Rubin noted he was pleased with the Dr. Winton's immediate response to the situation once he was made aware, and confirmed with Dr. Winton that the patients did follow up with other physicians, Dr. Rubin noted his concern over withdrawal of these types of medications may include suicidal tendencies.

Dr. Sadilek stated it was Class II medication, and commented a letter of concern or non-disciplinary CME may be appropriate. Dr. Rubin stated he does not have a concern because this doctor, when he found something was wrong, he did fix it. Ms. Tibbitts stated he was pro active and educated himself.

Dr. Sadilek confirmed with Dr. Winton that he was very clear on CII medications and what he can and cannot prescribe. Dr. Winton commented that he has prescribed an allowable medication from the CII class in the past, but plans on not even prescribing that.

Dr. Rubin made a motion to dismiss. Seconded by Dr. Sadilek.

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

Tibbitts; Aye. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

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

6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR RENEWAL OF CERTIFICATE TO DISPENSE FOR DR. JELINA IP.

Dr. Sadilek made a motion to continue this matter. Seconded by Dr. Popiel.

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

Tibbitts; Aye. Motion Carried 5 Ayes, 1 Absent, 1 Vacant.

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

7. EXECUTIVE DIRECTOR'S REPORT.

A. Budget

B. Licensing and Case Status

C. Complaints 13-008 and 15-014, dismissed by the Executive Director

No action required

8. FUTURE AGEANDA ITEMS

None

9. CALL TO THE PUBLIC

Mr. Baron Glasgow; Executive Director of the AzNMA, presented information regarding the current interpretation of SB1001, HB2549 by CVS pharmacy.

10. ADJOURNMENT

The meeting was adjourned at 2:50 PM.