

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, October 12, 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 1:05 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	4	X		X	X			X
Absent	2		x At time of Roll Call				X	
Vacant	1					X		

Dr. Marchese joined the meeting via phone at 1:40 p.m.

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

Dr. Eldridge is recused from agenda items 5(C) and 6.

Dr. Popiel is recused from agenda items 7 and 8.

3. CIVILITY STATEMENT

The Board Chair read the Civility Statement into the record.

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

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

A. Naturopathic Medical License by Examination

Adams, Konstantina Avakian, Ara Bejarano, Alfredo Bendokaitis, Beth

Bennett, Sarah

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

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

Ethelbah, Jina

Gariboldi, Matthew

Hawes, Courtney

Huston Myles, Stephanie (temporary license issued in accordance with A.R.S. § 32-1522.01)

James, Cara

James, Charmainge

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

Jollie, Jane

Kozin, Adam

Mackay-Timmermans, Drew (temporary license issued in accordance with A.R.S. § 32-1522.01)

McCalla, Bethany

McCormack, Kristen

Meraz, Samantha

Morse, Michael

Nagallo, Krisel

Palasio, Myleen

Pannu, Neelamjeet

Patterson, Chad

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

Riaz, Samar

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

Ruiz, Guillermo

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

Salzwedel, Kristen

Sayadian, Serop

Shumate, Patricia

Taddiken, Elizabeth

Tapia, Paola

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

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

Woiciak, Bret

Zamora, Jamie

Zdan, Jill

Zenhausen, Alissa

B. Naturopathic Medical License by Endorsement

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

C. Renewal Naturopathic Medical License

Aton Robins, Nancy

Bedell Cook, Sarah

Christianson, Alan

Davis, Heather

Dawahare, Melissa

Dooley, Melonni

Gastellum, Melissa

Hirons, Kami

Husami, Margaret

Kollin, Cheryl

Kremer, Reiner

Lane, Kiera

Lovejoy, Rebecca

Manrique, Javier

Meeds, Wilfred

Messer, Stephen

Milisen, Robert

Mittman, Laura

Nickels, Michele

Oxley, Barbara

Oxley, John

Pedmore, Leslie

Seubert, Mychael

Sickinger, Karleen

Spira-O'Connor, Andrea

Spooner, Carol

Tallman, Ty

Turner, Leila

Turrell, Shana S.

Williford, Kimberly

Yosef, Isaac

Zupa, Victoria

D. Initial Certificate to Dispense

Havens, Jennifer

Janson, Michele

Meraz, Samantha

Murray, Mallory

Palasio, Myleen

Smith, Ashley

Williams, Crystal

Wojciak, Bret

E. Renewal Certificate to Dispense

Bakty-Johnson, Esti

Blackman, Kenneth

Bramstedt, Jessica

Bryant, Roselynde

Cain, Nicole

Corracides, Alexander

Dickens, Andrew

Fontaine, De Adrea

Granger, Cheryl

Just, Scott

Karcheski, Dorothy

Kerr, Veronique

Lim, Hillary

Martin, Beth

Mehrabani, Ardeschir

Mitchell, Kenneth

Murray, Michael

Nichols, Douglas

Peronel, Magda

Polec, Will

Purvis, Kathryn

Quintanar, Noemi

Ranon, Roselyn

Rodriquez, Yolanda

Ruiz, Vanessa

Sheehan, James

Smith, Bradley

Spence, Wayne

Stark, Stephanie

Stowell, Aaron

Strong, Christine

Sundermeyer, Zahara

Taylor, Justin

Taylor, Nicole

Tenborg, Mark

Treen, Shannon

Tucker, Michelle

Tuggle, James

Van Der Veer, Karen

Victor, Erin

Visser, Timothy

Walsh, Bridget

Walters, Sam

Wdowin, Heather

York, Shannon

Zorensky, Ben

F. Initial Certificate to Engage in a Preceptorship

Bejarano, Alfredo

Bennett, Sarah

Hesselbrock, Rachel

James, Cara

Kozin, Adam

Mackay-Timmermans, Drew

Markison, Laura

Ruiz, Guillermo

Tate, Keshia

Warren, Brittany

White, Iasha

G. Renewal Certificate to Engage in a Preceptorship

Chand, Vasundhra

Thompson, Rebekah

H. Initial Certificate to Conduct a Preceptorship

Bishop, Kristen

Christianson, Alan

Cronin, Michael

Le Provost, Jean-Luc

McCarthy, Brendan Misir. Parabatie Rubin, Daniel

I. Renewal Certificate to Conduct a Preceptorship

Walsh, Bridget

J. Renewal Certificate to Engage in a Clinical Training Program

Carlblom, Bronwyn

Colon, Andrea

Dannawi, Aden

Hogue, John

Rebeyka, Alexis

Rios, Carlos

Sargsyan, Lilia

Schumann, Courtney

Shell, Sarah

Spurgeon, James

Tschudy, Nathaniel

K. Initial Certificate to Engage in a Clinical Training Program

Brown, Erick

Dhanani, Amv

Krick, Kira

Myers, Kaitlyn

Tang, Patricia

Consent Agenda Vote: Dr. Sadilek made a motion to approved items 5 A-K. Seconded by Dr.

Popiel. Motion Carried 4 Ayes, 2 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec. /Tres.	ELDRIDGE	Vacant	SILBERT	POPIEL
Yes	4	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

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

(A) Dr. Marie Niechwiadowicz, Case No. 17-075 – Board Approval of the Interim Consent Agreement for **Practice Restriction**

Dr. Sadilek confirmed the Board members had reviewed the Interim Consent agreement. Dr. Sadilek made a motion to approve the interim consent agreement. Seconded by Ms. Tibbitts. Motion Carried 4 Ayes, 2 Absent.

		SADILEK	MARCHESE	TIBBITTS	ELDRIDGE	Vacant	SILBERT	POPIEL
	VOTE	Chair	Vice Chair	Sec. /Tres.				
Yes	4	X		X	X			X
No	0							
Abstain	0							
Absent	2		X				X	
Recused	0							

(B) Dr. Eric Cerre, Board Case No. 17-073 – Investigative Interview

Dr. Cerre was present with his legal counsel Mr. David Morrison. Ms. Anthony gave a summary of the case in which Patient SP alleges Respondent fell below the standard of care. According to SP Respondent ignored her complaint of dizziness upon standing after receiving a trigger point injection from Respondent. Patient SP suffered a seizure on the way home from Dr. Cerre's office. According to the records, SP was returned to Respondent's office post seizure by her driver. Upon her return, Respondent charts he performed a preliminary examination while she was still in her vehicle, followed up by an overall status evaluation once SP was back inside the clinic. He determined she was stable and gave her juice to raise her blood sugar. Respondent informed SP to follow up with the emergency room or her PCP.

Mr. Morrison stated that Respondent denies any standard of care violation, pointing out the chart notes are pretty clear, and that the patient had received 7 trigger point injections prior to the one on the date in question, and had not suffered any adverse reactions.

Board Member Dr. Sadilek asked about Respondent's protocol. Respondent stated he has a strict protocol in place, which includes a set amount of time before the patient is allowed to stand up after the procedure. Additionally, signs are posted around the office listing possible adverse reaction signs, instructing patients to inform staff if any of these occur.

Board Member Dr. Popiel asked how long SP remained sitting after the procedure. Respondent stated about 15 minutes, and that if she had been feeling dizzy upon standing that day, she did not communicate that to the staff.

Dr. Sadilek made a motion to dismiss. Seconded by Dr. Popiel. Motion Carried 4 Ayes, 2 Absent 1 Vacant.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec. /Tres.	ELDRIDGE	Vacant	SILBERT	POPIEL
Yes	4	X		X	X			Х
No	0							
Abstain	0							
Absent	2		X				X	
Recused	0							

Dr. Marchese joined the meeting via phone at 1:40 p.m.

(C) Dr. John Eldridge, Board Case No. 16-060 – Investigative Interview

Dr. Eldridge recused himself, and presented at the Respondent's table with legal counsel Ms. Mandi Karvis from Sanders and Parks. Ms. Anthony gave an overview of the case. Ms. Anthony explained that the complainant is a psychiatrist for St. Lukes Behavioral Health who alleged concerns regarding Dr. Eldridge's treatment and prescribing of a patient that the psychiatrist treated at an inpatient center. In particular, the complainant alleges the combination and quantity of the medications prescribed were dangerous to this patient and may have exacerbated his mental condition and other medical conditions. The Board's investigation alleges over prescribing of controlled substances, failure to keep adequate medical records, and treatment that fell below the standard of care. These allegations were further evaluated by the medical experts report provided by Dr. Thompson in his review of 7 patient records.

Dr. Sadilek made a motion to move the matter to Formal Interview based on the medical experts report. Further discussion took place among Board members. Dr. Sadilek made a motion to go into Executive Session for Legal Advice. Seconded by Ms. Tibbitts Motion Carried 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.

The Board entered executive session at 1:50 p.m. The Board returned to regular session at 2:00 p.m.

Dr. Sadilek referenced the medical experts report and that he believes there are standard of care issues and concerns with his opioid prescribing practices. Dr. Popiel expressed the same comments that Dr. Sadilek expressed and recommends education and a practice modification. Ms. Karvis stated that Dr. Eldridge is open to entering into a consent agreement and stated that his practice could be monitored through random medical chart audits and checks via the Prescription Monitoring Program.

Ms. Anthony asked Dr. Eldridge where he purchases controlled substances for which he responded Schein Laboratories, and occasionally, Melrose Compounding Pharmacy. Dr. Eldridge stated he complies with the standards to store controlled substances and that Schein Laboratories performs inspections.

Dr. Eldridge stated that he has a tremendous practice because he has a Chiropractic license, stating he currently has 50 personal injury cases and he knows how to prescribe drugs safely and therapeutically. Dr. Eldridge further commented that no one is safer than him regarding prescribing. Dr. Eldridge stated that he feels there is no need for him to complete continuing medical education in pharmacology.

Dr. Popiel pointed out that it was established during the first time the Board reviewed the case that Dr. Eldridge was still prescribing Soma in conjunction with opioids and benzodiazepines, which is contraindicated. Dr. Eldridge stated that once he found out that was dangerous, he stopped prescribing it in combination with those other medications.

Dr. Popiel stated that his medical chart notes are not adequate, and asked whether Dr. Eldridge submits his chart notes in these personal injury cases. Dr. Eldridge stated that he has never had an issue with his medical chart notes.

Member Tibbitts asked whether Dr. Eldridge had and could provide the Board with his medication logs from November 2014 through September 2015. Dr. Eldridge stated that he has those logs and everything is legal.

Dr. Marchese stated she agreed with the findings of the medical experts report, and that the matter should go to Formal Interview, but she was willing to offer a consent agreement with appropriate practice restriction and oversight. Dr. Popiel expressed concerns with Dr. Eldridge prescribing from the office and that his practice and prescribing should be monitored for a period of three years.

Dr. Popiel made a motion to move the matter to formal interview and to offer Dr. Eldridge an opportunity to enter into a consent agreement for 3 years probation to include: a practice restriction for no dispensing of Opioid medications, Benzodiazepines, or Soma from his office, an appropriate physical examinations and diagnosis must be completed and charted prior to prescribing opioid medications to patients, 30 hours of additional continuing medical education for which he has twelve months to complete, Dr. Eldridge must supply the Board with copies of the dispensing logs from November 2014 through September 2015, January 1, 2016 through December 31, 2016, and January 1, 2017 through December 31, 2017. Additionally, his practice will be monitored through the Prescription Monitoring Program reports and random chart reviews. In the event Dr. Eldridge does not sign the agreement within 30 days, the matter will be forwarded to Formal Interview.

The motion was seconded by Dr. Sadilek. Roll Call Vote, Motion Carried 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.

		SADILEK	MARCHESE	TIBBITTS	ELDRIDGE	Vacant	SILBERT	POPIEL
	VOTE	Chair	Vice Chair	Sec. /Tres.				
Yes	4	X	X	X				X
No	0							
Abstain	0							
Absent	1						X	
Recused	1				X			

The Board recessed at 2:35 p.m. The Board resumed at 2:45 p.m.

6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING CASE NO. 17-068, DR. KAYLEE THORESON, PETITION FOR REVIEW OR RESCIND THE NON-DISCIPLINARY ORDER AND REMAND.

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice).

Dr. Thoreson was present with legal counsel Ms. Robin Burgess, a partner with Arthur Eaves at Sanders and Parks. Ms. Burgess is filling in for Ms. Arthur Eaves. Dr. Eldridge is recused as he is represented by Mandi Karvis of Sanders and Parks. Ms. Burgess stated that her firm, Sanders and Parks, was granted a waiver from the State to represent Dr. Thoreson.

Dr. Sadilek asked what he can help clarify that is not in the Order, and stated that he read Dr. Thoreson's attorney's documentation to Board Staff regarding the matter, and asked what is it that we can help clarify.

Ms. Burgess made a statement that the matter was a customer service issue and that all the Board had was hearsay information and the determination by the Board was not to issue any type of discipline or non-discipline, but to suggest to Dr. Thoreson that she complete 20 hours of continuing education in endocrinology, which she has completed. Ms. Burgess also stated that the draft minutes create a wrong impression and do not reflect the outcome of the meeting. Ms. Burgess mentioned that numbers three or four in the findings of fact need to be revised in a more generalized manner. Ms. Burgess commented that she did not believe the Board Members had "concerns" as provided in the Non-Disciplinary Order for Continuing Medical Education and the draft minutes should be generalized.

Dr. Sadilek asked for input from the Board Members regarding this matter. Dr. Sadilek stated that both he and Dr. Popiel had concerns about Dr. Thoreson's prescribing.

Ms. Burgess commented on Dr. Eldridge's statements that he did not believe that Dr. Thoreson did anything wrong and voted No to issue a Non-Disciplinary Order for CME. Executive Director, Gail Anthony, stated for the record that Dr. Eldridge is recused from this matter because he is being represented by an owner of Sanders + Parks regarding his current case before this Board.

Ms. Tibbitts commented that she would explain why she voted No to the Motion to issue a Non-Disciplinary Order for CME. Ms. Tibbitts stated she voted No for a different reason from Dr. Eldridge. Ms. Tibbitts stated that she voted No because she believed that CME was not enough to address this matter, and that there may be more concern than what was expressed at the meeting, but the Board voted as a whole to issue the Order.

Dr. Popiel stated that if there were no concerns the complaint would have been dismissed. Dr. Popiel stated there were plenty of prescribing concerns. Dr. Popiel explained his concern regarding the dosing calculations and mentioned he had extreme concerns with the prescribing. Dr. Popiel stated that he, Dr. Sadilek, and Member Tibbitts have concerns. The Board, as a whole, was in favor of CME as there was need to address the prescribing.

Dr. Marchese stated that although she was not present at the July 13, 2017 Board Meeting, she listened to the audio and read through every page of the documents pertaining to this case. Dr. Marchese acknowledged that in her review of the entire record, it is clear to her that part of the complainants upset was based on the lack of response from Dr. Thoreson as she was not available, and then the manner in which she was treated by a colleague who took over with a phone appointment that required the complainant to pay a fee before she could speak with a physician from the office. However, Dr. Marchese agreed with Dr. Popiel that going from a compounded sustained release to a Westhyroid medication at 2 grains, and prescribed 2 grains bid is a significant bump up on the T3. Dr. Marchese explained that the complainant's symptoms of tachycardia started about a week after taking the 4 grains of medication, which is when she went to the emergency room. Dr. Marchese stated that that kind of increase in T3 could cause those symptoms, and that she believed the Order was fair.

Dr. Marchese stated that she is open to changing the wording to the findings of fact. Dr. Marchese agreed with Dr. Popiel in terms of the expressed concerns regarding the Respondent's thyroid prescribing.

Dr. Sadilek made a motion to go into Executive Session for Legal Advice. Seconded by Ms. Tibbitts. Motion Carried. Resumed open session at 3:22 p.m.

Ms. Burgess commented on the minutes again. Ms. Anthony responded to Ms. Burgess indicating that the minutes were still in draft form and have not yet been approved by the Board.

Dr. Marchese stated that she is amenable to inserting the word "some" under number 4 of findings of fact, to support the fact that some Board Members articulated concerns at the July 13, 2017 meeting. Dr. Marchese stated that she is

open to rewording number four, but for the record she is someone who has concerns. Member Tibbitts stated that she believed that as a Board, the Board had concerns, which is why it ordered continuing medical education in this matter.

Dr. Sadilek made a motion to grant the review based upon A.A.C. R4-18-101(7). Seconded by Dr. Popiel. Roll Call vote, motion carried 4 Ayes, 1 Recused, 1 Absent.

Dr. Sadilek made a motion to revise finding of fact number 3 to read as follows: "At the Board's July 13, 2017 meeting, the Board evaluated Respondent's decision to modify patient's thyroid medication from a compounded to a commercial formulation, as the patient stated she presented to the emergency room with increased anxiety, trouble swallowing, and supraventricular tachycardia that may have been associated with over medication." Dr. Marchese seconded. Roll Call vote, motion carried 4 Ayes, 1 Recused, 1 Absent.

Dr. Sadilek made a motion to strike finding of fact number 4 in its entirety. Dr. Marchese stated that she is not in support of this, as she is someone who has concerns. Dr. Sadilek's motion to strike finding of fact 4 failed as no other Board Member seconded the motion. This motion failed for lack of a second.

Dr. Marchese indicated some Board Members articulated concerns and some did not. Dr. Marchese stated however that the Board ultimately voted on issuing the Order. Dr. Marchese made a motion to revise finding of fact number 4, which will now read, "Upon further deliberation and review, some Board members had concerns with Respondent's thyroid prescribing and calculated conversion amounts that may have led to an adverse reaction." Seconded by Dr. Popiel. Roll Call Vote, Dr. Popiel, Aye, Ms. Tibbitts, Nay. Member Tibbitts explained her No vote that if the Board as a whole did not have concerns the Board would not have passed it. Dr. Sadilek, Aye, I will be amenable to the modification of including the word some. Dr. Marchese, Aye. Motion carried 3Ayes, 1 Nay, 1 Recused, 1 Absent.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec. /Tres.	ELDRIDGE	Vacant	SILBERT	POPIEL
Yes	3	X	X					х
No	1			X				
Abstain	0							
Absent	1						X	
Recused	1				X			

7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR PRECEPTORSHIP CONDUCT CERTIFICATE

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice). Dr. Brian Popiel

This item was tabled to a later date due to lack of quorum.

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

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice). Alissia Zenhausern

This item was tabled to a later date due to lack of quorum.

9. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR MEDICAL LICENSE BY EXAMINATION

The Board may vote to go into Executive Session pursuant to A.R.S. § 32-431.03(A)(2)(to discuss confidential information) or A.R.S. § 38-431.03(A)(3)(to receive legal advice). Jessica Folz

The Applicant was present and communicated with the Board. Ms. Anthony gave a brief summary of the application status and the 2014 DUI history as noted in Applicant's written summary to the Board. Ms. Anthony confirmed the records through source documents. The Applicant stated this was her one and only DUI and that her life has drastically changed for the better since 2014, as she found a different peer group and focuses on her education. Dr. Sadilek asked the Applicant whether she sees anything that would interfere with her license. The Applicant responded that there are no issues with her being a physician.

Dr. Sadilek made a motion to approve the application for medical license. Seconded by Dr. Popiel. Motion Carried 4 Ayes, 2 Absent, 1 Vacant.

	VOTE	SADILEK Chair	MARCHESE Vice Chair	TIBBITTS Sec. /Tres.	ELDRIDGE	Vacant	SILBERT	POPIEL
Yes	4	X		X	X			X
No	0							
Abstain	0							
Absent	2		X				X	
Recused	0							

10. CALL TO THE PUBLIC

No requests to address the Board were received.

11. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING CHANGING THE MONTHLY MEETING SCHEDULE.

The Board discussed the possibility of changing the meeting schedule. No action was taken.

12. EXECUTIVE DIRECTOR'S REPORT

The Board discussed the Executive Director report. Ms. Anthony stated that the Board is in the process of moving to the new building. No action was taken or required.

13. FUTURE AGENDA ITEMS

Board Meeting dates and times.

14. ADJOURNMENT

The meeting was adjourned at 3:30 p.m.