



# 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

Diva Galan – Public Member, Dr. Clinton C. Campbell, Ph.D – Public Member

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

### BOARD MEETING MINUTES

Thursday, October 8, 2020 • 12:30 p.m. • Board Room C, First Floor

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.

Dr. Sadilek called the meeting to order at 12:30 pm. Ms. Anthony called Roll.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
All Present Via Phone	6	x	x	x	x		x	x
Absent	1					x		
Vacant	0							

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

Ms. Sarah Asta, Assistant Attorney General

Ms. Gail Anthony, Executive Director

#### 2. DECLARATIONS OF CONFLICTS OF INTEREST

None declared at the time.

#### 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**

Amin, Kayla (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Baayeh, Harriet (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Bartel, Casey (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Covey, Christina (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Duffy, Kaitlyn (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Fiorillo, Melanie (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Herndon, Shaye (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Hickey, Rachel (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Hoke, Margie (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Lattanza, Lauren (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Medcalf, Jennifer (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Monson, Carly (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Moore, Meagan (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Moran, Zachary (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Riley, Ashley (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Ryskowski, Amanda (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Santosuosso, Molly (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Scheeler, Natalie (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Shaw, Elizabeth (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Tilchen, Joseph (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Werner, Mykala (temporary license issued in accordance with A.R.S. § 32-1522.01)  
Ziegler, Aubree (temporary license issued in accordance with A.R.S. § 32-1522.01)

**B. Naturopathic Medical License by Endorsement**

Brock, Bonnie (reduced scope)

**C. Reinstate Expired Medical License**

**D. Reinstatement of Retire Medical License**

**E. Initial Certificate to Dispense**

Amin, Kayla  
Baayeh, Harriet  
Bartel, Casey  
Brock, Bonnie  
Covey, Christina  
Duffy, Kaitlyn  
Fiorillo, Melanie  
Herndon, Shaye  
Hickey, Rachel  
Lattanza, Lauren  
Medcalf, Jennifer  
Moore, Meagan

Moran, Zahary  
Riley, Ashley  
Ryskowski, Amanda  
Santosuosso, Molly  
Scheeler, Natalie  
Schooler, Rosa-Elise  
Shaw, Elizabeth  
Ziegler, Aubree

- F. Reinstatement of Expired Certificate to Dispense  
Ruiz, Guillermo
- G. Renewal Certificate to Dispense
- H. Initial Certificate to Engage in a Clinical Training Program  
Barriball, Natalie  
Cumplido-Valencia, Maria  
Eidsvaag, Elisabeth  
Ferdinand, Lauren  
Harper, Kristen  
Latin, Molly  
McKnight, Kinsley  
Rodriguez, Nia  
Saari, Nathaniel  
Sabas, Dominique  
Smith, Rachel  
Whitlock, Andrea
- I. Renewal Certificate to Engage in a Clinical Training Program
- J. Initial Certificate to Engage in a Preceptorship Training Program  
Fuller, Michelle
- K. Renewal Certificate to Engage in a Preceptorship Training Program
- L. Initial Certificate to Conduct a Preceptorship Training Program  
St. Rose, John (reinstate expired)
- M. Renewal Certificate to Conduct a Preceptorship Training Program
- N. Initial Certificate to Engage in a Preceptorship Training Program
- O. Initial Medical Assistant Certificate.
- P. Renewal Medical Assistant Certificate

**CONSENT AGENDA VOTE:**

Dr. Rubin made a motion to approve agenda items A - P. Seconded by Dr. Popiel  
 Roll Call: Dr. Sadilek; Aye, Dr. Popiel; Aye, Ms. Tibbits; Aye, Ms. Galan; Aye,  
 Dr. Rubin; Aye, Dr. Spat; Aye. Motion carried.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	6	x	x	x	x		x	x
No	0							
Abstain	0							
Absent	1					x		
Recused	0							
Vacant	0							

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

A. Case No. 20-146, Dr. Christian Anguiano, Initial Review.

Ms. Anthony summarized on April 13, 2020, the State of Arizona Naturopathic Physicians Medical Board received a notice from the Arizona Department of Health Services, outlining an apparent discrepancy between the number of medical marijuana certifications issued by Dr. Anguiano between July 1, 2019 – December 31, 2019, and the number of CSPMP database queries Dr. Anguiano performed during that timeframe. According to the notice, Dr. Anguiano certified 36 patients for medical marijuana during that timeframe, and queried the database only 16 times. According to Dr. Anguiano, Dr. Brett Guthrie, D.C. was his delegate of record, however at one point Dr. Guthrie had a non-delegate pulling queries using his account, and probably logged in as another physician.

Ms. Anthony stated as part of the investigation, records for several patients were subpoenaed, however according to Dr. Guthrie, he was scanning the patient files into the computer and shredding the paper files. He said his computer crashed and he was unable to supply any patient records.

Dr. Anguiano was present via phone.

Dr. Sadilek asked Dr. Anguiano what the process was at that time for certifying patients. Dr. Anguiano described the procedure, stating he would perform a physical examination after the patient completed the appropriate paperwork. Dr. Anguiano stated he is not currently certifying for medical marijuana.

Dr. Popiel asked Dr. Anguiano if he was doing paper charts by hand. Dr. Anguiano explained he was and would give the chart to Dr. Guthrie for submission and scanning.

Dr. Popiel stated not being able to provide chart notes is a concern, and wondered if he would be able to provide chart notes in the future, and asked if he were currently using paper charts.

Dr. Popiel commented he would like to check Dr. Anguiano’s charting.

Dr. Sadilek made a motion to continue the matter for 30 days in order to obtain 4 chart for further investigation. Seconded by Dr. Popiel.

Roll Call: Dr. Sadilek; Aye, Dr. Popiel; Aye, Ms. Tibbits; Aye, Ms. Galan; Aye, Dr. Rubin; Aye, Dr. Spat; Aye. Motion carried.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	6	x	x	x	x		x	x
No	0							
Abstain	0							
Absent	1					x		
Recused	0							
Vacant	0							

B. Case No. 20-149, Dr. Erica Middlemiss, Initial Review.

Ms. Anthony summarized on April 13, 2020, the State of Arizona Naturopathic Physicians Medical Board received a notice from the Arizona Department of Health Services, outlining an apparent discrepancy between the number of medical marijuana certifications issued by Dr. Middlemiss between July 1, 2019 – December 31, 2019, and the number of CSPMP database queries Dr. Middlemiss performed during that timeframe. According to the notice, Dr. Middlemiss certified 41 patients for medical marijuana during that timeframe, and queried the database 0 times. According to Dr. Middlemiss, she did not have a DEA number when she first started certifying patients. However at that time, she was the delegate for Dr. Rames, so she used her delegate account for her patient queries, which were registered under Dr. Rames. As part of the investigation chart notes for 3 patients were reviewed and found Dr. Middlemiss failed to complete the appropriate requirements for certifying a patient for medical marijuana and failed to keep adequate medical records for 3 of the 3 files reviewed. For two of those patients, Dr. Middlemiss may have certified patients for medical marijuana without performing an appropriate physical examination, and without having appropriate prior medical records to support the diagnosis for which she certified.

Dr. Middlemiss was present via phone. Dr. Middlemiss stated that there was no information regarding the PMP because some of the patient came up with no history.

Dr. Sadilek asked Dr. Middlemiss to explain the procedure when certifying a

patient for medical marijuana. Dr. Middlemiss explained the procedure indicating the preliminary information would be gathered by the front desk at the time of check in, and that she would take the patient back and perform her evaluation and certify.

Dr. Sadilek asked Dr. Middlemiss if she always reviewed the PMP prior to certification and that it was her belief that she was not acting as a primary care physician and only providing certification?

Dr. Middlemiss confirmed.

Dr. Rubin commented on the statement made by Dr. Middlemiss that she was not acting as a primary care physician. He stated that when a patient comes in, the physician takes responsibility of the patient, and regardless, the physician must appropriately chart. That the charts reviewed do not have appropriate charting, that you can't tell what is going on by looking at the chart. He stated the Board spends an enormous amount of time reviewing chart notes and it is unfortunate that some physicians don't seem to have the ability to properly chart.

Dr. Sadilek agreed with Dr. Rubin. He pointed out there is no exam noted, no SOAP notes and its almost impossible to follow.

Dr. Spat asked Dr. Middlemiss if she was still certifying patients.

Dr. Middlemiss stated she is no longer certifying for medical marijuana.

Dr. Popiel stated the charting does not include ICD10 codes and asked Dr. Middlemiss how she is charting now. Dr. Middlemiss if it's a patient she is charting by hand, but she currently does quantum healing hypnosis (QHHT), and when she sees people in this capacity she considers them clients, not patients and does not chart. Dr. Popiel stated there is a concern treating a patient as a client, and that appropriate charting must be done.

Dr. Rubin agreed with Dr. Popiel and commented that he does not have Confidence the patient is being taken care of. He stated the role of the Board is to protect the public. Regardless if the patient has insurance or not, as a physician you can't let money play a role in what is best for the patient.

Dr. Popiel stated he wanted to review further chart notes from her current patients to make sure she knows how to write a proper chart note. Seconded by Dr. Spat. Roll Call: Dr. Sadilek; Aye, Dr. Popiel; Aye, Ms. Tibbits; Aye, Ms. Galan; Aye, Dr. Rubin; Aye, Dr. Spat; Aye. Motion carried.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	6	x	x	x	x		x	x
No	0							
Abstain	0							
Absent	1					x		

Recused	0							
Vacant	0							

C. Case No. 20-158, Nicole Chavez, Unlicensed, Initial Review.

Ms. Anthony summarized the Board received information regarding an individual using the title of Naturopathic Nurse Nikki. Dr. Popiel was one of two naturopathic physicians to notify Board staff of use of title by this individual.

Through investigation it was discovered an individual by the name of Nicole Babbette Chavez, advertises herself as Naturopathic Nurse Nikke. She also goes by other names including Nikki McKee, Nicole Chavez McKee and Nikki Chavez McKee. Use of these other names also made it difficult to verify her nursing credentials. Additionally, RN Chavez was found to be performing COVID-19 testing and for a time, was not reporting those results to the Arizona Department of Health Services.

Dr. Popiel recused from this matter.

According to RN Chavez, she does not claim to be a doctor. She works as an independent contractor in physician offices providing vitamin IVs, sometimes she does this mobile, and takes her orders from those physicians.

Dr. Sadilek asked what type of COVID-19 testing she was doing and how did she procured those tests. She stated the tests were PCR rapid, and she got the testing kits from one of the physicians she works for.

Dr. Sadilek asked how many positive COVID-19 tests she had while she was performing the testing. RN Chavez stated about 10-15.

Dr. Sadilek asked if it was Dr. Hu who sent you to the houses to do mobile IVs. RN Chavez stated it was, and commented that she did not do medication IV's only vitamin IV's.

Dr. Rubin stated that anything given via IV is a medication, vitamins and nutrients are considered medications, with orders that have to be written by a physician.

Dr. Rubin asked who writes the prescription allowing the IV to be performed by you. RN Chavez stated it was Dr. Hu.

Dr. Rubin confirmed that RN Chavez was not working exclusively for a naturopathic physician. RN Chavez stated she also works two other physicians that are not naturopaths, one is an MD and the other a Nurse Practitioner. RN Chavez confirmed she never reached out to the Naturopathic Board, she contacted the Nursing Board and was told she could use the designation.

1:44 pm, Dr. Rubin made a motion to go into Executive Session for Legal Advice. Seconded by Dr. Sadilek. Motion Carried 5 Ayes, 1 Recused, 1 Absent.

2:08 pm, the Board returned to Open Session.

Dr. Sadilek asked RN Chavez if she is willing to remove the word Naturopathic from her advertising. She stated she could do that.

Dr. Sadilek made a motion to allow RN Chavez 45 days to expunge the term Naturopathic from her advertising. Seconded by Dr. Spat. Roll Call: Dr. Sadilek; Aye, Ms. Tibbits; Aye, Ms. Galan; Aye, Dr. Rubin; Aye, Dr. Spat; Aye. Motion carried. 5 Ayes, 1 Recused, 1 Absent.

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

**6. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING DRAFT CONSENT AGREEMENT FOR BOARD CASE NUMBER 20-152, DR. STEPHANIE BAILEY.**

Dr. Bailey and her Attorney Ms. Gieazl were present via phone.

Ms. Anthony summarized the Board was given a copy of the signed consent agreement which included the changes requested by the Board at the previous meeting.

Dr. Rubin recused.

Dr. Sadilek made a motion to accept the consent agreement already signed by Dr. Bailey. Seconded by Dr. Spat. Motion Carried 5 Ayes, 1 Absent, 1 Recused. Roll Call: Dr. Sadilek; Aye, Ms. Tibbits; Aye, Ms. Galan; Aye, Dr. Rubin; Aye, Dr. Spat; Aye. Motion carried. 5 Ayes, 1 Recused, 1 Absent.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	5	x		x	x		x	x
No	0							
Abstain	0							



Absent	1					x		
Recused	1		x					
Vacant	0							

**7. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING POSSIBLE LIFTING OF THE STAY OF SUSPENSION PURSUANT TO CONSENT AGREEMENT 16-059, DR. ORVILLE WEYRICH.**

Ms. Anthony summarized at the July 9, 2020 meeting, the Board gave Dr. Weyrich an additional 60 days to obtain a practice monitor relating to consent agreement 16-059. Dr. Weyrich failed to comply. Based on Dr. Weyrich’s noncompliance, the Board may motion to lift the stay, resulting in the automatic suspension of the license.

Dr. Weyrich stated he has been trying to comply. Dr. Weyrich stated he does not find language anywhere in the agreement that he has to have a monitor in place when he is not prescribing.

Dr. Sadilek asked Dr. Weyrich what he is currently doing. Dr. Weyrich stated he is primarily acting in the role of a chiropractic assistant.

Dr. Sadilek asked Dr. Weyrich if he was currently prescribing Thyroid medication. Dr. Weyrich stated he was.

Dr. Weyrich stated he had recently submitted the name of a potential practice monitor to Board staff.

2:26 pm, Dr. Sadilek made a motion to go into Executive Session for Legal Advice. Seconded by Dr. Rubin. Motion Carried 6 Ayes, 1 Absent.

2:58 pm The Board returned to open session.

Dr. Popiel stated the consent agreement is clear that the intent of the practice monitor is beyond prescribing.

Ms. Tibbitts stated that there has been enough time given to Dr. Weyrich in order for him to find a practice monitor.

Dr. Sadilek made a motion to extend the stay of suspension for 30 days, because the Board is in discussion with a potential monitor, however if one is not found in 30 days, the stay will be lifted and the license suspended. Seconded by Ms. Tibbitts.

Roll Call: Dr. Sadilek; Aye, Ms. Tibbitts; Aye, Ms. Galan; Aye, Dr. Rubin; Aye, Dr. Spat; Aye. Motion carried. 6 Ayes, 1 Absent.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
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Yes	6	x	x	x	x		x	x
No	0							
Abstain	0							
Absent	1					x		
Recused	0							
Vacant	0							

**8. REVIEW, CONSIDERATION AND POSSIBLE ACTION REGARDING REVIEW AND POSSIBLE APPROVAL OF FIVE-YEAR REVIEW REPORT.**

Ms. Anthony summarized the 5 year review report regarding Chapter 4, the Medical Assistant chapter.

Dr. Sadilek made a motion to approved. Seconded by Dr. Popiel  
 Roll Call: Dr. Sadilek; Aye, Ms. Tibbits; Aye, Ms. Galan; Aye, Dr. Rubin; Aye, Dr. Spat; Aye. Motion carried. 6 Ayes, 1 Absent.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	GALAN	CAMPBELL	RUBIN	SPAT
Yes	6	x	x	x	x		x	x
No	0							
Abstain	0							
Absent	1					x		
Recused	0							
Vacant	0							

**9. CONSENT AGENDA VOTE. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING DRAFT MINUTES.**

- A. Draft Minutes of September 10, 2020 Open Session.  
 Dr. Sadilek made a motion to approve the minutes. Seconded by Dr. Rubin.  
 Motion Carried 6 Ayes, 1 Absent.
- B. Draft Minutes of September 10, 2020 Executive Session.  
 Dr. Sadilek made a motion to approve the minutes. Seconded by Dr. Rubin.  
 Motion Carried 6 Ayes, 1 Absent.
- C. Draft Minutes of August 13, 2020 Executive Session  
 Dr. Sadilek made a motion to approve the minutes. Seconded by Dr. Rubin.  
 Motion Carried 6 ayes, 1 Absent.

**10. EXECUTIVE DIRECTOR'S REPORT**

- A. Budget
- B. Current Licensee and Certificate Holder Numbers
- C. Current Number of Board Cases Under Investigation, Pending Before OAH, or On Hold Pending Outcome of Criminal Case.

No action required by the Board.

**11. FUTURE AGENDA ITEMS**

None Requested.

**12. CALL TO THE PUBLIC**

No public requested to speak

**13. ADJOURNMENT**

Dr. Sadilek adjourned the meeting at 3:20 pm