



State of Arizona Naturopathic Physicians Medical Board

“Protecting the Public’s Health”

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

Website www.aznd.gov

TTY for Americans with Disability 800-367-8939 • Disability Voice Relay 800-842-4681

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. Daniel Rubin – Physician Member, Vacant – Physician Member

BOARD MEETING MINUTES Draft

Thursday, September 13, 2018 • 12:00 Noon • Board Room B

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 12:10 p.m. by the Board Chair, Dr. Sadilek.

Ms. Anthony called roll to establish a quorum.

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

Mr. Silbert joined the meeting at 1:00 p.m.

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

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

2. DECLARATIONS OF CONFLICTS OF INTEREST

Dr. Sadilek stated a conflict of interest regarding board case 17-083, indicating he would recuse himself from the matter and Dr. Popiel would be acting Chair for that agenda item.

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

B. Naturopathic Medical License by Endorsement

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

Biller, Erin

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

C. Initial Certificate to Dispense

Coss, Mario
Sabetisoofyani, Arash
Taylor, Jennifer
Wallace, Kevin

D. Reinstatement of Retired Medical License

E. Renewal Certificate to Dispense

Baral, Matthew
Brooks, Barbara
Chelson, Debora
Despotides, Bianca
Geyer, MaryK
Granger, Cheryl
Kaufmann, Andrew
Kooima, Jessica
Lehto, Trisha
Nordin, Anna
O'Hara, Amy
Pritchard, Allison
Rezaie, Saman
Turner, Mary Jo

F. Initial Medical Assistant

Hermosillo, Karina

G. Renewal Medical Assistant

Bobleske, Erica
Hofmeister, Susan

H. Renewal of Certificate to Conduct a Preceptorship

Banker, Rosanna
Hobi, Annette
Le-Provost, Jean-Luc
Walsh, Bridget

I. Initial Certificate to Conduct a Preceptorship

Livengood, Elizabeth
Thanki, Meghana

J. Initial Certificate to Engage in a Preceptorship Program

Dastas, Jose
Doyle, Kimberly

Milhizer, Ashley
 Nguyen, Nhan
 Roodvoets, Mitchell
 Schneller, Katherine
 Turner, Tiffany
 Wool, Daniel

K. Renewal Certificate to Engage in a Preceptorship Program
 Chand, Vasundhra
 Rodriquez, Carolina

L. Initial Certificate to Engage in a Clinical Training Program
 Drought, Kelly
 Valdez, Olivia
 Wasneski, Joseph

M. Renewal Certificate to Engage in a Clinical Training Program
 Andersen, Danielle
 Anderson, Erin
 Bosen, Tonya
 Chambers, Andrew
 Darby, Susan
 Green, Chelsea
 Killion, Aaron
 Linarelli, Leah
 Lucero, Elizabeth
 Lupo, Kelly
 Nave, Gaynel
 Petersons, Amber
 Pinazza, Anthony
 Riley, Jade
 Sullivan, Dayne
 Tonn, Colton
 Trahan, Sarah
 Tschudy, Nathaniel
 Watkins, Olivia
 Wilhelm, Tasmin

CONSENT AGENDA VOTE

Dr. Sadilek made a motion to approve agenda items 4 A – M. Seconded by Ms. Tibbitts. Motion carried 5 Ayes, 1 Absent, 1 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	RUBIN	GALAN	SILBERT	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. Michael Miles, Case Number 17-083, Investigative Interview

Dr. Sadilek Recused himself from this matter.

Dr. Miles was present with his Attorney Steve Mahaffey. Ms. Anthony gave a summary of the case. Dr. Popiel asked Dr. Miles if he had concerns about using Herbal tinctures over something else to treat the patient’s blood pressure, and what other steps were taken with the patient to address blood pressure. Dr. Miles responded he had no concern regarding the use of herbs to treat this patient, and stated he believed the high blood pressure was due to stress. Dr. Popiel pointed out the potential charting issue. Dr. Miles stated he is moving to electronic records keeping and has improved his charting.

Dr. Rubin stated that the lack of charting is a big issue and when reviewing the chart, it is not clear what was done. Mr. Mahaffey made a statement to the Board and provided copies of continuing medical education courses recently completed by Dr. Miles. After review by the Board, it was determined only 1 credit hour was devoted to medical charting. Dr. Rubin stated that even after Dr. Miles had taken specific charting continuing medical education in the past, charting deficiencies still continue.

Ms. Tibbitts made a motion to go into executive session for legal advice. Seconded by Dr. Popiel. Roll Call: Dr. Rubin; Aye, Dr. Popiel; Aye, Ms. Tibbitts; Aye, Ms. Galan: Aye. Motion Carried 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.

The Board voted to go into executive session at 12:40 p.m.

The Board returned to open session at 12:50 p.m.

Dr. Rubin stated although additional education had been taken in the past, there are still deficiencies evidenced in the records, and prior to making a determination in this matter, he would like to see what Dr. Miles current charting reveals and give Dr. Miller the benefit of the doubt that he has improved his charting. .

Dr. Rubin made a motion to continue the investigation to allow board staff to subpoena chart notes from 5 patients with at least 5 consecutive chart notes for each patient from the dates of July 2016 through September 13, 2018. And if possible, at least one of the patient charts should have a similar cardiovascular diagnosis as the chart being reviewed today. Seconded by Ms. Tibbitts. Roll Call: Dr. Rubin; Aye, Dr. Popiel; Aye, Ms. Tibbitts; Aye, Ms. Galan: Aye. Motion Carried 4 Ayes, 1 Recused, 1 Absent, 1 Vacant.

	VOTE	SADILEK Chair	POPIEL Vice Chair	TIBBITTS Sec. / Tres.	RUBIN	GALAN	SILBERT	Vacant
Yes	4		x	x	x	x		
No	0							
Abstain	0							
Absent	1						x	
Recused	1	x						

Vacant	1							x
--------	---	--	--	--	--	--	--	---

Mr. Silbert arrived at 1:00 p.m.

- B. Dr. Jorge Badillo Cochran, Case Number. 18-094, Investigative Interview
 Dr. Badillo Cochran was present. Ms. Anthony gave a summary of the case. Dr. Badillo Cochran stated he does not represent himself as an M.D. or indicate that he is licensed as an M.D. on his website, but that the website does reflect he graduated from Grace University with a Doctor of Medicine 2009. He has supplied the Board with evidence of graduation from Grace University in Belize with a Doctor of Medicine. He stated he makes it clear he is practicing naturopathic medicine.

Dr. Rubin made a motion to dismiss the case. Seconded by Ms. Tibbitts. Roll Call: Dr. Rubin; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye, Ms. Galan: Aye. Motion Carried 5 Ayes, 1 Vacant.

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

- C. Dr. Barbara Koudelka, Case Number 18-087, Investigative Interview
 Dr. Koudelka was present. Ms. Anthony gave a summary of the case. Dr. Koudelka stated she had planned to notify the patients of the probable office closure upon returning from the holidays; however, she had been locked out of her practice by the landlord during her absence. She stated she was advised by an attorney, that her patient charts were considered an asset by the bankruptcy court, and would be sold.

Dr. Rubin asked if any of the other physicians working at that location had access to the chart. Dr. Koudelka stated none of the physicians had access to the charts during that time. Dr. Koudelka stated she notified patients regarding the status of their charts as soon as she could.

Mr. Silbert made a motion to dismiss. Seconded by Dr. Rubin. Roll Call: Dr. Rubin; Aye, Mr. Silbert; Aye, Dr. Popiel; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye, Ms. Galan: Aye. Motion Carried 6 Ayes, 1 Vacant.

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

The Board took a recess at 2:10 p.m.

The Board resumed regular session at 2:22 p.m.

D. Dr. S.A. Decker Weiss, Case Number. 18-097, Investigative Interview

Dr. Weiss was not present but provided a written statement regarding his absence that was read into the record. The complainant was not present, but the complainant's wife, Ms. Esposito, was present with the complainant's attorney, Dr. Steven Perlmutter. Dr. Sadilek announced that the Board received notice from Dr. Weiss that he would not be available to attend the meeting. Ms. Anthony gave a summary of the case. Dr. Sadilek asked Ms. Esposito how long Dr. Weiss was in the office during the time of the appointment. Ms. Esposito stated about a half hour, and commented Dr. Weiss seemed agitated from the time he entered the office. Dr. Popiel noted Dr. Weiss had complained about the pricing and asked if the pricing was clear. Ms. Esposito stated the pricing was clear and explained the pricing to Dr. Weiss several times during the appointment.

Dr. Popiel stated that it appeared from the video of the office visit that Dr. Weiss was pacing around and picking up medications that were on the counter in exam room. He asked if there was actually available seating in the exam room. Ms. Esposito stated there was a chair available in the exam room for Dr. Weiss to sit down.

Ms. Tibbits made a motion to go into executive session for legal advice. Seconded by Dr. Rubin. Motion carried 6 Ayes, 1 Vacant.

The Board voted to go into executive session at 1:15 p.m.

The Board resumed regular session at 1:32 p.m.

Ms. Khan read the notice of non-appearance sent by Dr. Weiss into the record.

Mr. Silbert made a motion to issue a Letter of Concern for disruption of a physician's practice. Seconded by Ms. Tibbits. Roll Call: Dr. Rubin; Aye, Dr. Popiel; Aye, Mr. Silbert; Aye, Ms. Tibbits; Aye, Ms. Galan: Aye. Motion Carried 6 Ayes, 1 Vacant.

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

E. Dr. Robert Gear, Case Number 13-013, Investigative Interview

Dr. Gear was present. Ms. Anthony gave a summary of the case. The Board reviewed the timeline of events regarding the outcome of a case, which began in Maricopa County Superior Court, and resulted in Dr. Gear's guilty plea to a Class 3 Criminal Nuisance Misdemeanor in Pinetop Lakeside Justice Court that was set

aside. Dr. Rubin stated that this case originated a long time ago, when there was confusion regarding the medical marijuana act.

Dr. Rubin made a motion to dismiss the case. Seconded by Mr. Silbert. Roll Call: Dr. Rubin; Aye, Dr.

Popiel; Aye, Mr. Silbert; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye, Ms. Galan:

Aye. Motion Carried 6 Ayes, 1 Vacant.

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

F. Dr. Annette Hobi, Case Number. 18-096, Investigative Interview

Dr. Hobi present. Ms. Anthony gave a summary of the case. Dr. Hobi stated on the date the incident took place, a medical assistant came into the room while an acupuncture treatment was being performed on the complainant. Dr. Hobi apologized and the patient responded that it was not a big deal. Nothing more was said about it. On this patient's second visit, the patient sought out Dr. Hobi in the office to tell her how well she felt after the treatment. Dr. Hobi stated the complaint reference her performing massage. Dr. Hobi stated she does not do massage.

Mr. Silbert made a motion to dismiss the case. Seconded by Dr. Rubin. Roll Call: Dr. Rubin; Aye, Dr. Popiel; Aye, Mr. Silbert; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye, Ms. Galan: Aye. Motion Carried 6 Ayes, 1 Vacant.

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

6. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPROVAL OF CONTINUING MEDICAL EDUCATION FOR DR. SHELDON DEAL, AS REQUIRED BY CONSENT AGREEMENT IN CASE NUMBER 17-082.

Dr. Deal was present. The Board reviewed the continuing medical education submitted by Dr. Deal for board pre-approval.

Dr. Sadilek made a motion to approve the education hours presented. Seconded by Ms. Tibbitts. Roll Call: Dr. Rubin; Aye, Dr. Popiel; Aye, Mr. Silbert; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye, Ms. Galan: Aye. Motion Carried 6 Ayes, 1 Vacant.

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

7. REVIEW, CONSIDERATION, AND POSSIBLE ACTION REGARDING APPLICATION FOR CLINICAL TRAINING CERTIFICATE.

A. David Alford

Mr. Alford was present. Ms. Anthony gave a summary of the application. Mr. Alford explained the circumstances surrounding the prior incident for which he forthrightly disclosed on the application. Dr. Sadilek made a motion to approve the application. Seconded by Dr. Rubin. Roll Call: Dr. Rubin; Aye, Dr. Popiel; Aye, Mr. Silbert; Aye, Ms. Tibbitts; Aye, Ms. Galan: Aye. Motion Carried 6 Ayes, 1 Vacant.

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

8. REVIEW, CONSIDERATION, AND POSSIBLE ACTION TO OPEN A COMPLAINT REGARDING DR. JOHN ELDRIDGE; MARICOPA COUNTY SUPERIOR COURT CASE 5-0700-CR-2018002570.

Ms. Anthony gave a summary of the information currently available. Dr. Rubin made a motion to open a complaint regarding this matter. Seconded by Ms. Tibbitts. Roll Call: Dr. Rubin; Aye, Dr. Popiel; Aye, Mr. Silbert; Aye, Dr. Sadilek; Aye, Ms. Tibbitts; Aye, Ms. Galan: Aye. Motion Carried 6 Ayes, 1 Vacant.

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

9. 2018 LEGISLATION FROM THE 53RD LEGISLATIVE SESSION

Ms. Khan provided a brief overview of several legislative changes.

10. EXECUTIVE DIRECTOR'S REPORT

- A. Budget – Ms. Anthony provided a summary regarding her director's report.
- B. Licensing Status

C. Case Status

D. AZIPS

No Action Required by the Board.

11. FUTURE AGENDA ITEMS

No future agenda items.

12. CALL TO THE PUBLIC

No member of the public requested to speak.

13. ADJOURNMENT

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

DRAFT