

BEFORE THE BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

In the Matter of	)	
	)	
<b>HARVEY BIGELSEN, M.D.</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW</b>
Holder of License No. 9667	)	<b>AND</b>
For the Practice of Medicine	)	<b>DECREE OF CENSURE</b>
In the State of Arizona.	)	
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On January 17, 1990, the Board of Medical Examiners ("Board") evaluated the investigative reports and information pursuant to A.R.S. §32-1451(G), and hereby enters the following Findings of Fact, Conclusions of Law and Order:

**FINDINGS OF FACT**

1. The Board of Medical Examiners of the State of Arizona is the duly constituted State agency for the regulation and control of the practice of medicine in the State of Arizona.

2. HARVEY BIGELSEN, M.D., is the holder of License No. 9667 for the practice of medicine in the State of Arizona.

3. HARVEY BIGELSEN, M.D., on or about September of 1987 through December of 1987, provided medical care and treatment to a patient (identified for purposes of confidentiality as "K.H."). There is substantial evidence to establish that the patient treatment notes for K.H. are illegible and do not adequately reflect the nature and the extent of treatment provided.

4. During the course of his treatment of patient K.H. Doctor BIGELSEN used a A.M.I. machine. The A.M.I machine is

currently not approved or disapproved by the Federal Drug Administration. The A.M.I. machine is allegedly a device for recording the electrical flow of the acupuncture meridians. The meridians are reported to be electrical channels which run through the body. By prior Stipulation and Order of the Board dated September 12, 1986, applicable to Doctor BIGELSEN, the use of said A.M.I. machine was found to constitute an experimental form of diagnosis and treatment. Nevertheless, the patient file and notes for K.H. fail to reflect that the patient was advised that the A.M.I. machine is experimental and that an appropriate written patient consent form was obtained.

5. Doctor BIGELSEN initially examined a patient (identity confidential and referred to herein as "M.A.L.") in June of 1988. Doctor BIGELSEN's patient notes reflected on July 12, 1988, it was noted that Dowell Laboratories had reported the presence of *Entameba histolytica*. On the basis of this laboratory report and prior physical examination of the patient, Doctor BIGELSEN undertook to treat the patient for intestinal amebiasis. The patient records reflect that Doctor BIGELSEN administered homeopathic treatment. Additionally, he used allopathic methods of treatment, i.e., prescribed Carbarsone 250 mg. three times a day. The drug Carbarsone is an organic arsenical compound which had not been in general use as an allopathic medicine since approximately 1960 for treatment of intestinal ameba. It is no longer considered to be an appropriate drug of choice for treatment

because there are less toxic medications available. Carbarstone is a drug that is slowly excreted and can lead to accumulation resulting in toxicity to the kidneys and liver. This drug is contra-indicated in patients who have a history of liver or kidney disease which may cause a reaction such as nausea, vomiting, abdominal pain and gastrointestinal complaints. Doctor BIGELSEN had diagnosed patient M.A.L. as having a "lingering liver problem". Carbarstone is a drug which is no longer listed in commonly used medicinal drug publications or texts such as Scientific American Medicine, Merck Manual and the 11th edition of Harrison's Principals of Internal Medicine. The dosage level prescribed by Doctor BIGELSEN for the use of Carbarstone is consistent with the amount prescribed by allopathic physicians in previous years, but the use of this drug is not consistent with the homeopathic remedial use of medication.

6. Patient M.A.L. subsequently sought treatment by another physician who requested copies of Doctor BIGELSEN's patient treatment records and submitted a written authorization for release of patient M.A.L.'s records. Doctor BIGELSEN responded by only sending laboratory reports without any physician notes. Doctor BIGELSEN has acknowledged in a written response to the Board that he does not routinely submit his patient notes to another physician when an authorized request has been submitted. Instead, Doctor BIGELSEN withholds patient notes because he believes that allopathic physicians will not understand his notes.

7. Pursuant to a Stipulation and Order dated August 7, 1986, Doctor BIGELSEN agreed to comply with the Order of the Board concerning his practice of medicine as a physician licensed by the Board. As a part of the aforementioned Stipulation Doctor BIGELSEN agreed to comply with all aspects of the Board's Order. Said Order is to be in effect for a period of five years from the effective date specified and will terminate on November 22, 1991. Doctor BIGELSEN acknowledged in the aforementioned Stipulation that he was aware that any violation of said Order constituted unprofessional conduct pursuant to former A.R.S. §32-1401(10)(r) (subsequently amended to A.R.S. §32-1401(19)(r)) and would result in disciplinary action pursuant to A.R.S. §32-1451. Said Order at Paragraph 3 provides that Doctor BIGELSEN, while practicing as an allopathic physician with the regard to allopathic treatment of patients, shall maintain adequate medical records on all his patients, in compliance with the statutory definition contained in A.R.S. §32-1401(2). Furthermore, said Order also provides that while practicing as a homeopathic physician with the regard to homeopathic treatment of patients, Doctor BIGELSEN must maintain adequate medical records in compliance with the statutory definition contained in A.R.S. §32-2933(20). While maintaining records of his practice as a homeopathic physician Doctor BIGELSEN agreed to the Board's Order providing that patient record documentation would include information identifying the patient, patient's

complaints, assess the patient's condition and document his treatment of the patient and indicate advice and cautionary warnings provided to the patient. Said Order also provided that Doctor BIGELSEN shall comply with the provisions of A.R.S. §32-1401(10)(x) (subsequently amended to A.R.S. §32-1401(19)(y)) which requires the physician to obtain adequate informed patient consent when using experimental forms of diagnosis and treatment and to conform to generally accepted experimental criteria, including protocols, detailed records, periodic analysis of results and periodic review by a peer review committee.

#### CONCLUSIONS OF LAW

1. The Board of Medical Examiners of the State of Arizona possesses jurisdiction of the subject matter hereof and over HARVEY BIGELSEN, M.D., pursuant to A.R.S. §32-1401, et seq.

2. The conduct and facts described in Findings of Fact Paragraphs 3 and 4 herein constitutes unprofessional conduct in violation of A.R.S. §32-1401(19)(r) by violating the Stipulation and Order of August 7, 1986.

3. The conduct described in Findings of Fact Paragraph 4 herein constitutes unprofessional conduct in violation of A.R.S. §32-1401(19)(y), i.e., the use of experimental forms of diagnosis and treatment without adequate informed patient consent and without conforming to generally accepted experimental criteria.

4. The conduct described in Findings of Fact Paragraph 5, Findings of Fact herein constitutes unprofessional conduct in violation of A.R.S. §32-1401(19)(q), i.e., any conduct which is or might be harmful or dangerous to the health of the patient or the public.

5. The conduct described in Findings of Fact Paragraph 6 herein constitutes unprofessional conduct in violation of A.R.S. §32-1401(19)(e), i.e., failing to maintain adequate records on a patient or failing to make records promptly available to another physician upon request and receipt of proper authorization.

**ORDER**

Based upon the Findings of Fact and Conclusions of Law set forth above,


IT IS HEREBY ORDERED that HARVEY BIGELSEN, M.D., be and hereby is CENSURED for his conduct hereinabove described.

IT IS FURTHER ORDERED that an administrative penalty in the sum of One Thousand Dollars (\$1,000) be imposed upon HARVEY BIGELSEN, M.D. for his conduct hereinabove described; said penalty payable by cashier's check or money order and paid within sixty (60) days of entry of this Order.

ENTERED this 17th day of January, 1990.

BOARD OF MEDICAL EXAMINERS  
OF THE STATE OF ARIZONA

[S E A L]

By   
DOUGLAS N. CERF  
Executive Director