



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION 88-10

Member of the Connecticut Homeopathic Medical Examining
Board Taking Official Action on Licensing Matters

William F. McCoy, M.D., Chairman of the Connecticut Homeopathic Medical Examining Board (CHMEB), has asked the Ethics Commission's advice regarding the following situation.

During CHMEB meetings a member of the Board, John T. Fitzsimons, P.H.D., has expressed the view that certain non-traditional practitioners of Homeopathic Medicine should be licensed by the CHMEB. In Doctor McCoy's opinion these alternative practitioners do not meet the statutory criteria for licensure and the CHMEB is not authorized to waive statutory requirements. Doctor McCoy states that, in particular, Doctor Fitzsimons has advocated the licensure of Ms. Pam Vishvanath. Doctor McCoy questions Doctor Fitzsimons impartiality as a public member of the CHMEB. He asks whether Doctor Fitzsimons has a conflict of interests because of a possible business relationship between Ms. Vishvanath and Doctor Fitzsimons' wife, Ms. Carol Fitzsimons.

Homeopathy is "...a system of medical practice that treats a disease by the administration of minute doses of a remedy that would in a healthy person produce symptoms of the disease treated..." Websters' Third New International Dictionary at p. 1083, G. and C. Merriam Co. (1971). The CHMEB was established by Section 20-8, General Statutes. The five member board, three physicians and two public members, is appointed by the Governor. Id. The CHMEB is empowered to decide matters concerning the suspension or revocation of licenses, adjudicate complaints against practitioners, and impose sanctions when appropriate. Id. It has a major role in the licensure of Homeopathic physicians as set forth in Sections 20-10, 20-11, and 20-12, General Statutes. By virtue of the manner of their appointment and the powers they exercise members of the CHMEB are public officials as that term is defined in subsection 1-79(j), General Statutes. Therefore, they are subject to the provisions of the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes.

When queried regarding this matter Ms. Fitzsimons stated that she is a psychotherapist and Ms. Vishvanath is a physician's assistant and nutritionist. She said that the extent of her professional and business relationship with Ms. Vishvanath was as follows: 1. one day a week she sublets office space from Ms. Vishvanath; and 2. occasionally, when appropriate, she and Ms. Vishvanath have referred individuals to each other for treatment. Ms. Fitzsimons stated that there is no formal referral agreement, no fee sharing, and no other professional or financial ties between her and Ms. Vishvanath.

In pertinent part, the Code of Ethics for Public Officials states that a public official shall not use his public office to obtain financial benefit for, among others, his spouse or a business with which associated. Subsection 1-84(c), General Statutes. Licensure as a Homeopathic physician would undoubtedly be of financial benefit to Ms. Vishvanath. However, no apparent financial benefit to Ms. Fitzsimons or a business with which she or Dr. Fitzsimons is associated will result from such licensure. It can reasonably be expected that the volume of Ms. Vishvanath's practice would be increased by licensure. In turn, this increase could possibly lead to an increase in referrals to Ms. Fitzsimons. However, absent any formal referral or other business agreement between these two individuals, such a chain of events is too remote and tenuous to the bring the prohibitions of the Code to bear on the situation.

The Commission believes that it would be prudent for Dr. Fitzsimons to refrain from acting on official matters affecting Ms. Vishvanath's licensure in order to avoid any appearance of impropriety. However, such abstention is not required by the Code of Ethics for Public Officials in this instance.

By order of the Commission



William A. Elrick
Chairperson

Dated July 11, 1988