

MINUTES

**UTAH
PHYSICIANS LICENSING
BOARD MEETING**

September 10, 2008

**Room 474 – 4th Floor – 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 A.M.

ADJOURNED: 1:55 P.M.

Bureau Manager:
Board Secretary:
Division Compliance Specialist:

Noel Taxin
Karen McCall
Debbie Harry

Board Members Present:

James R. Fowler, MD
John W. Bennion, Ph.D.
Kristen Ries, MD
Daniel J. Parker, MD
George C. Pingree, MD
Stephen E. Lamb, MD
Elizabeth Howell, MD
Lori G. Buhler
James H. Pingree, MD

Board Members Absent:

Marc E. Babitz, MD, Chairperson
Richard J. Sperry, MD

Guests:

James B. Davis, Medical Student
Timothy Young

DOPL Staff Present:

David Stanley, Division Director
Wayne Holman, Chief Investigator Manager
Kent Barnes, Sr. Business Analyst

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

Swearing in of Daniel J. Parker, MD, as a Board Member

Ms. Taxin conducted the swearing in of Dr. Parker as a Board member. **The Board welcomed Dr. Parker.**

MINUTES:

The minutes from the August 13, 2008 Board meeting

were read.

Dr. Lamb made a motion to approve the minutes as read. Dr. Bennion seconded the motion. **The Board vote was unanimous.**

APPOINTMENTS:

9:30 am

Debbie Harry , Compliance Update

Ms. Harry updated the Board regarding the compliance or non-compliance of probationers.

Ms. Harry reported that **Dr. Terrell Sellers** is currently in compliance with his Stipulation and Order.

Ms. Taxin reminded the Board that Dr. Sellers requested an unrestricted license at his last appointment so that he could perform clinical versus administrative duties. She stated that she did amend his order to reflect that he could work at any spa and not just a specific spa.

Ms. Harry reported that **Dr. Carl Wurster** is currently in compliance with his Stipulation and Order. She reminded the Board that Dr. Wurster is in Idaho and not working as a Physician. She stated that if he does start to work in Idaho he will need to report to the Utah Board.

Ms. Harry reported that **Dr. Stephan J. Kitson** is currently out of compliance with his Stipulation and Order. She stated that he is living and working as a Physician in Colorado and Colorado did put him on probation. Ms. Harry listed the requirements that Dr. Kitson has not met.

Ms. Harry reported that **Dr. Mia Carson** is currently in compliance with her Stipulation and Order.

Ms. Harry reported that **Dr. Sidney M. Johnson** is currently in compliance with his Stipulation and

Order.

Ms. Harry reminded the Board that Dr. Johnson is living in Hawaii. She stated that the Board should ask if he is prescribing as there is nothing in his file regarding prescriptions.

Ms. Taxin informed the Board that Dr. Johnson requested at the last Board meeting to change the dates of his Stipulation and Order to coincide with the Massachusetts Stipulation and Order. She stated that she believes Dr. Johnson misunderstood the Board at the last meeting. She stated that Dr. Johnson submitted a letter saying if Utah would make the change then Hawaii would follow suit. Ms. Taxin stated that if Massachusetts terminates Dr. Johnson early then the Utah Board could consider early termination of his probation.

Ms. Harry stated that Dr. Johnson has been on probation with Utah for about 3 years.

Ms. Harry reported that **Dr. Danny C. Purser** is currently in compliance with his Stipulation and Order. She stated that he has requested early termination.

Ms. Harry reported that **Dr. Darrell G. Anderson** is currently in compliance with his Stipulation and Order. She stated that his paperwork was received this morning just prior to the meeting. Ms. Harry stated that there were some questions regarding his prescriptions and asked the Board to review the prescriptions.

Ms. Harry reported that **Dr. Brandon Bentz** has submitted a request for early termination of his probation. She stated that all his paperwork is in order and some letters supporting early termination have been received.

Ms. Taxin reported that **Dr. Eric Sanzenbacher** was

on probation and then he surrendered his licenses. She stated that he is now requesting guidance regarding how to obtain his license again. She stated that Dr. Sanzenbacher had informed her that he has been clean and sober for several years.

9:45 am to 10:30 am

Dr. Eric Sanzenbacher, Reinstatement of
Licensure Discussion

Dr. Sanzenbacher met to discuss reinstatement requirements.

Board members and Division staff were introduced.

Dr. Lamb conducted the interview.

Dr. Lamb informed Dr. Sanzenbacher that this is a public meeting which is being taped and there are some public visitors attending.

He then asked Dr. Sanzenbacher to explain his situation.

Dr. Sanzenbacher explained that he was working too many hours, had some issues with his marriage, became divorced and was drinking heavily during that time in his life. He stated that he was introduced to cocaine about the same time frame and became addicted. Dr. Sanzenbacher stated that fortunately he did not cause any harm to any of his patients. He stated that his employer did not know he was an addict. He stated that he had severe depression and the clinic thought that was what was wrong. Dr. Sanzenbacher stated that he unwisely wrote prescriptions for acquaintances and when he finally came to terms with his issues he came into the Division and surrendered his licenses. He stated that he then completed an outpatient program from April 1999 to May 1999 and then completed a 6 week program. Dr. Sanzenbacher stated that he was offered a Stipulation and Order with the reinstatement of his license and he was working hard to maintain sobriety. He stated that he had some trouble with the Law and some disturbances where he would loose control. He stated that he went trough several medications and some serious side affects. He explained that he served 2 ½ months in jail for a DUI that he got 2 years ago and then served a month in June/July this year for

another DUI. He explained that he went to an alcohol program at First Step House and then did another inpatient program for 4 months. Dr. Sanzenbacher stated that he has no problem attending the AA meetings. He stated that he does not believe that other people and the AA attendance keep him sober. He stated that he believes that he should be responsible for his own life and stay sober.

Dr. James Pingree asked Dr. Sanzenbacher how he has earned a living during this time.

Dr. Sanzenbacher responded that he has worked at a string of restaurants as a waiter, he has worked in concrete and worked 1 ½ years for Stevens Henninger College. He stated that he believes his experiences have brought a lot of fresh ideas for him to bring into a practice.

Dr. Lamb asked Dr. Sanzenbacher if he has completed any CE.

Dr. Sanzenbacher responded that he has completed about 50 hours a year through on-line courses. He stated that he has also completed a number of personal research hours and kept abreast of current topics. He stated that he understands that there is also the SPEX examination requirement and he is prepared to take that examination.

Dr. James Pingree asked what Dr. Sanzenbacher's plans are if he is licensed again.

Dr. Sanzenbacher responded that he plans to take it slow and easy with part time work. He stated that there are still people who believe in him and he believes he can make a difference.

Dr. George Pingree asked Dr. Sanzenbacher when he last had a drink.

Dr. Sanzenbacher responded that it was December 31, 2006 when he had his last drink.

Ms. Buhler asked if Dr. Sanzenbacher is currently in therapy.

Dr. Sanzenbacher responded that he does not go to therapy regularly but does see a therapist periodically. He stated that rational recovery does not advocate regular meetings. He stated that he does return to First Step House periodically but he is committed to himself and his God to educate himself and to stay sober.

Dr. Howell asked what the longest time sober has been.

Dr. Sanzenbacher responded that this year has been the longest time sober.

Dr. James Pingree asked if Dr. Sanzenbacher has a driver's license.

Dr. Sanzenbacher responded that he does not have a driver's license. He stated that he walks or uses the bus system.

Ms. Buhler asked what type of setting Dr. Sanzenbacher would be looking for.

Dr. Sanzenbacher responded that he would not go into a hospital setting. He stated that he would like an office setting.

Dr. Lamb stated that Dr. Sanzenbacher should submit the following for review:

1. A letter requesting reinstatement
2. A letter from Dr. Crookston confirming therapy and/or aftercare and support for Dr. Sanzenbacher's license to be reinstated;
3. A letter from Dr. Fulton confirming therapy and/or aftercare and support for Dr. Sanzenbacher's license to be reinstated;
4. A letter from First Step House confirming completion of their program;
5. A practice plan;
6. Information indicating who he would be working for;
7. Information regarding what type of regular aftercare he is receiving; and
8. Documentation of any CE that has been

completed.

Dr. Lamb stated that after reviewing the above, the Board would need to consider the following:

- 1. Periodic drug tests;**
- 2. If therapy would be appropriate; and**
- 3. If an aftercare program would be appropriate.**

Dr. Sanzenbacher stated that he completed a program through First Step House and did some counseling with Dr. Barbara Ogden.

Dr. Howell stated that she would like to see a couple of year's sobriety before the Board considers a Stipulation with Dr. Sanzenbacher. She stated that she believes that there is something that happens in the first 2 or 3 years of being sober that solidifies sobriety. She stated that January 2009 would be the 2 year date.

Ms. Taxin commented that the Board is suggesting a probationary agreement if Dr. Sanzenbacher submits a letter from Dr. Crookston and all the documentation Dr. Lamb requested. She stated that if Dr. Sanzenbacher would collect the requested information and submit it to her then she will present it to the Board for review.

Dr. Lamb made a motion that Dr. Sanzenbacher must take and pass the SPEX's examination prior to offering a Stipulation and Order for reinstatement with a probationary license.

Dr. Parker seconded the motion.

The Board vote was unanimous.

10:30 am

Dr. Terrell Sellers, Probationary Interview

Dr. Sellers met for his probationary interview. Michael Dusoe, Licensed Clinical Social Worker, met with Dr. Sellers.

Dr. Lamb introduced Dr. Parker.

Dr. Lamb conducted the interview.

Dr. Lamb commented that this is Dr. Sellers quarterly interview. He requested Dr. Sellers to update the Board.

Ms. Taxin informed Dr. Sellers that, as per his request, his Stipulation and Order was amended in order for him to work at any spa and not a specific spa.

Dr. Sellers thanked Ms. Taxin and then responded that he has had no problems in his probation. He stated that he has been busy setting up an agreement with a spa in St. George/Green Valley area and they are almost ready for business. Dr. Sellers stated that his duties will be the same as they were at the previous spa.

Ms. Harry informed Dr. Sellers that he is in compliance with his Stipulation and Order.

Dr. Sellers stated that he has been on probation for a long time and again would like to request the restriction be taken off his license so that it would be an Active on Probation license.

Mr. Dusoe commented that Dr. Sellers had informed the Board at his last appointment that he was not employed at Mr. Dusoe's substance abuse counselor agency. He stated that Dr. Sellers is actually employed there as a substance abuse counselor. Mr. Dusoe stated that he contacted the Division to ask if Dr. Sellers could do substance abuse counseling without the LSAC license and was ensured that he could. He stated that he believes Dr. Sellers is fully competent to do substance abuse counseling. He explained that Dr. Sellers has had some serious personal issues and if his license is not going to be restored to some type of workable situation then he, Mr. Dusoe, would have Dr. Sellers obtain his LSAC license. He stated that he wants the Board to be clear that he was informed that Dr. Sellers would not be required to be licensed as an LSAC prior to signing an agreement with Dr. Sellers. He stated that he was bothered that the minutes are not approved until the next scheduled Board meeting and that sometimes the

minutes do not reflect a true picture. He stated that he was unaware that Dr. Sellers reported he was not working at the agency and the delay has caused some problems.

Ms. Taxin responded that she made it clear to Dr. Sellers that he could not do substance abuse counseling without the license and because of his Physicians administrative restriction. She stated that it was her understanding that Dr. Sellers stopped the substance abuse counseling until he could be licensed.

Mr. Dusoe responded that he believes a Physician can do substance abuse counseling without the LSAC license.

Ms. Taxin clarified that Dr. Sellers Stipulation and Order allows him to do administrative duties only and not clinical medicine. Ms. Taxin stated that if Dr. Sellers was working for Mr. Dusoe's agency then Mr. Dusoe should have written a letter to notify and confirm Dr. Seller's was working there and that Mr. Dusoe has read and understands the Stipulation and Order. She stated that there is no letter from Mr. Dusoe in Dr. Sellers file.

Dr. Ries asked Mr. Dusoe if he has read Dr. Sellers Stipulation and Order.

Mr. Dusoe responded that he did read the Stipulation and Order about 4 years ago but has not reviewed it since that time.

Ms. Harry informed Mr. Dusoe that he has never submitted the required supervisor's report for Dr. Sellers file.

Mr. Dusoe responded that Tammy Dusoe does the monitoring.

Dr. Lamb stated that a letter was sent to Dr. Sellers in June 2008 stating that he cannot use his MD letters behind his name while doing substance abuse counseling that he cannot do substance abuse counseling without the LSAC license and an

application was enclosed with the letter.

Dr. Sellers did not respond to Dr. Lamb. He did state that he has been in aftercare for 5 years and is finishing up his issues. He stated that he wants to be able to send a copy of his license out to potential employers without it having the restriction listed.

Ms. Taxin informed the Board that Dr. Sellers would need to submit a practice plan for the Board to review and he would need to have an unrestricted license to work at a hospital in the clinical setting. She stated that the Board has allowed him to do the clinical duties he listed for Green Valley Resort and Spa for over a year without amending his Stipulation and Order. She stated that Dr. Sellers Stipulation and Order would need to be amended if the Board recommends an unrestricted license.

Dr. Lamb asked Dr. Sellers if he wants to pursue the substance abuse counselor program.

Dr. Sellers responded that he would like to continue doing substance abuse counseling.

Dr. Ries responded that the Board would have to be very clear regarding if Dr. Sellers can do administrative only or if he can do clinical medicine. She stated that Dr. Sellers would also need a supervisor to oversee what he does.

Dr. Fowler responded that he is concerned about Dr. Sellers practicing medicine.

Dr. Sellers explained that he is not asking permission to do surgery with anesthesia but to be allowed to remove warts.

Dr. Pingree responded that the removal of lesions is questionable.

Ms. Taxin stated that if the Board recommends an amendment to the Stipulation and Order then Dr. Sellers would need to submit an expanded and revised practice plan for the Board to review. She

stated that his supervisor would also be required to submit reports on a regular basis.

Dr. Lamb made the motion to amend Dr. Sellers Stipulation and Order by removing the restrictions and allow him to practice clinical medicine with an approved practice plan that details his duties, an approved supervisor and supervision reports to be submitted regularly.

Dr. Bennion seconded the motion.

Dr. Fowler, Dr. Bennion, Dr. Ries, Dr. Parker, Dr. George Pingree, Dr. Lamb, Ms. Buhler and Dr. James Pingree voted in favor of the motion.

Dr. Howell abstained from voting.

Dr. Fowler voiced some concerns regarding varicose vein ablation. He stated that untrained surgeons should not be making a slit and running a scope up the vein.

Dr. Howell commented that in many ways Dr. Sellers may be more capable and trained to do the addiction counseling. She stated that it is a shame that he has moved away from being a Physician as he might have a lot to offer.

Ms. Taxin clarified that as a Physician Dr. Sellers may do substance abuse counseling if it is in his education but his Stipulation and Order said administrative only and in order to do LSAC duties he would need the LSAC license.

Dr. Sellers responded that he knows the Board knew he was working as an LSAC as he was advised not to sign MD.

Ms. Taxin stated that it needs to be very clear what duties Dr. Sellers is performing and who is supervising him. She asked the Board if they would prefer Dr. Sellers be in PIR or aftercare.

Dr. Sellers responded that he does PIR and AA and will continue to attend both.

Dr. Lamb made a motion to remove the aftercare requirement.

Dr. James Pingree seconded the motion.

Dr. Fowler, Dr. Bennion, Dr. Ries, Dr. Parker, Dr. George Pingree, Dr. Lamb, Ms. Buhler and Dr. James Pingree voted in favor of the motion.

Dr. Howell abstained from voting.

Ms. Taxin explained the process and that Dr. Sellers will receive a new license that will have the restriction removed when that process is complete.

The Board determined Dr. Sellers is currently in compliance with his Stipulation and Order.

An appointment was made for Dr. Sellers to meet again December 9, 2008.

10:50 am

Dr. Carl Wurster, Telephonic Probationary Interview

Dr. Wurster met telephonically for his probationary interview.

Dr. Bennion conducted the interview.

Dr. Bennion stated that it has been 6 months since Dr. Wurster met with the Board and he was unemployed at that time. He asked if Dr. Wurster would update the Board regarding his situation.

Dr. Wurster responded that he is still disabled from his back surgery and does not practice in Idaho. He stated that he has now paid his Idaho fine.

Ms. Taxin recommended Dr. Wurster meet again telephonically with the Utah Board in 6 months to touch basis but for Dr. Wurster to notify the Utah Board if his situation should change.

The Board determined Dr. Wurster is in compliance with his Stipulation and Order as much as he can be at this time.

An appointment was made for Dr. Wurster to meet again March 11, 2009.

11:00 am

Dr. Stephan J. Kitson, Telephonic Probationary Interview

Dr. Kitson met telephonically for his probationary interview.

Board members and Division staff were introduced.

Dr. Ries conducted the interview.

Dr. Ries informed Dr. Kitson that he is currently out of compliance with his Utah Stipulation and order as there is no documentation of his current employment, completing a CE boundary course, a supervisor report has not been received, a counselor report has not been received, there is no CAPAC report or a letter from Colorado concerning his compliance in Colorado. She requested Dr. Kitson to respond and to briefly explain the reason he is on probation.

Dr. Kitson explained that the reason he is on probation is due to boundary issues. Dr. Kitson responded that he works about 15 hours a week at the Community Mental Health Center. He stated that he completed a course in boundaries in April or May of 2008 through the University of Alabama. He stated that it was a helpful and informative course that helped him understand his problems with boundary issues. He stated that the course had him look at the point of view from the victim's perspective.

Dr. Ries asked if he has to submit a supervisor report and counselor report for Colorado.

Dr. Kitson responded that the reports are required and have been on a monthly basis but will change to quarterly now.

Dr. Ries informed Dr. Kitson that Utah will need copies of all those reports and documentation of completing the course in boundaries. She stated that a report from Colorado is also required to document that Dr. Kitson is in compliance with their Stipulation and Order.

Dr. Kitson responded that the Colorado Board was not sure what they could send based on the privacy act. He stated that he is now in the process of getting a release for the reports to be sent to Utah.

Ms. Taxin reminded Dr. Kitson that if the information is not received then he is out of compliance with Utah and he is not working off any of his Utah time. She stated that Colorado should provide copies of the reports for him. She stated that Dr. Kitson could ask for a summary report to be sent if he is unable to obtain copies of the reports that have been written and submitted in the past.

Dr. Kitson responded that he will try to facilitate an exchange of information from the Colorado Board to the Utah Board. He stated that he is on the outside of the process as they won't release the information to him either.

Ms. Harry stated that she receives letters from Colorado regarding other probationers and they should release his information.

Ms. Taxin stated that if Dr. Kitson has any changes he needs to inform Utah or he will be out of compliance in Utah. She stated that he needs to communicate with Utah.

Dr. Ries asked how long Dr. Kitson has been on probation in Colorado.

Dr. Kitson responded that he has been on probation with Colorado since February 2008.

Ms. Taxin asked Dr. Kitson to submit documentation from February 2008 forward or his Utah probation time will not have started.

The Board determined Dr. Kitson is out of compliance with his Stipulation and Order in Utah.

An appointment was made for Dr. Kitson to meet again December 10, 2008.

11:15 am

Dr. Mia Carson, Telephonic Probationary
Interview

Dr. Carson met telephonically for her probationary
interview.

Board members and Division staff were introduced.

Ms. Buhler conducted the interview.

Ms. Buhler informed Dr. Carson that all required reports have been received. She then requested Dr. Carson to update the Board.

Dr. Carson stated that she is now busier than she has been and is working more days each week. She stated that in the Spring she notified the Board of an opening in a satellite business that she inherited from a Physician who passed away which has increased her business. She stated that she has a small holistic family practice of 8 to 10 patients a day and is working 5 days a week.

Dr. Howell asked if Dr. Carlson is still her monitor.

Dr. Carson responded that Dr. Carlson is still monitoring.

Dr. Lamb asked what changes Dr. Carson has made to ensure that she will not have the same issues she had that put her on probation.

Dr. Carson responded that her use was co-dependency and workaholic problems. She stated that 80% of her patients are in recovery. Dr. Carson stated that she is now a different person, that her recovery has been painful, that she is no longer externally oriented but family is now first for her.

Ms. Buhler asked Dr. Carson if she had any questions for the Board.

Dr. Carson responded that her Stipulation and Order in Utah was delayed in being signed. She asked if her Utah probation could be completed the same time the Hawaii probation is completed which will be September 2009.

Dr. Lamb responded that earlier today another probationer had asked the same question. He stated that the original date of the Stipulation and Order cannot be changed but the Board may consider the early termination of the Utah probation. He stated that Dr. Carson would need to submit documentation of the termination of probation in Hawaii with a letter requesting early termination in Utah for the Board to consider.

Dr. Howell requested letters from other professionals supporting Dr. Carson's request for early termination of the Utah probation.

The Board determined Dr. Carson is in compliance with her Stipulation and Order.

An appointment was made for Dr. Carson to meet again telephonically on March 11, 2009.

11:30 am

Dr. Sidney M. Johnson, Telephonic
Probationary Interview

Dr. Johnson met telephonically for his probationary interview.

Board members and Division staff were introduced.

Dr. Fowler conducted the interview.

Dr. Fowler requested Dr. Johnson to update the Board regarding what he has been doing since his last appointment.

Dr. Johnson responded that he has been in a Ph.D. program and completed a year of non-operative fellowship. He stated that he has been in Hawaii a little over 3 years and will complete the Massachusetts probation in April 2009. He stated that both Hawaii and Utah Stipulations were delayed due to paperwork, the investigations and the processing. Dr. Johnson stated that he would like the dates of probation to match so that when Massachusetts terminates his probation then Utah and Hawaii can do the same.

Dr. Fowler responded that Utah would favorable consider termination of probation upon receiving

documentation of Massachusetts terminating probation. He stated that when the documentation is received, Utah could move fairly rapidly.

Ms. Taxin explained that when Dr. Johnson receives documentation of termination of probation from Massachusetts he should submit a copy of the termination documentation, write a letter to Utah requesting early termination in Utah and include why he is making the request. She stated that once the request is received, it will be included on the next Physicians Board agenda for discussion.

Dr. Johnson thanked Ms. Taxin for the information.

Dr. Fowler asked Dr. Johnson if he is writing any prescriptions in Hawaii.

Dr. Johnson responded that he is not writing any controlled substance prescriptions in Hawaii. He stated that if there are any chronic patients that are in need of controlled substance prescriptions the hospital takes care of prescriptions.

Ms. Taxin asked Dr. Johnson if he plans to have a prescriptive practice in the future.

Dr. Johnson responded that he does plan to have a prescriptive practice when his probations are completed and he is able to return to a normal practice. He stated that his issue was not writing prescriptions for himself. Dr. Johnson requested the Utah contact person to communicate the Utah position with Sarah in Hawaii so that Hawaii understands that Utah is moving toward termination of his probation based on termination in Massachusetts.

Ms. Harry agreed to contact Hawaii.

The Board determined Dr. Johnson is in compliance with his Stipulation and Order.

An appointment was made for Dr. Johnson to meet again March 11, 2009.

11:45 am

Dr. Danny C. Purser, Probationary Interview

Dr. Purser met for his probationary interview.

Dr. Bennion conducted the interview.

Dr. Purser distributed a booklet and informed the Board that it is a copy of a project that he has been involved with. He informed the Board that he has been asked to present the information in the booklet at a seminar in Park City. He stated that he has also been requested to be one of the key note speakers for the Utah State Bar Association.

Dr. Bennion requested Dr. Purser to update the Board regarding his practice, his health and energy.

Dr. Purser responded that he has a lot of menopause patients and some adrenal gland patients. He stated that he does not see a lot of patients. He stated that he let his testosterone levels drop and has not healed as he should. He explained that he has now had 10 surgeries.

Dr. Bennion informed Dr. Purser that he is in compliance with his Stipulation and Order.

Ms. Taxin informed Dr. Purser that Dr. Jensen recommended early termination. She asked Dr. Purser if he would like to add anything.

Dr. Purser responded that he is looking into a residency program. He stated that he knows his limitations and knows what he is capable of. Dr. Purser stated that occasionally he will have a long day and have trouble sleeping at night. He stated that he has been requested to be a delegate at the AAME in the disabled section. Dr. Purser stated that he had one year of family practice and has never been well enough to return to that type of practice.

Dr. Howell asked if Dr. Purser is trained in preventative medicine.

Dr. Purser responded that he is not trained but does have an interest.

Dr. Howell commented that a residency in preventative medicine might be an option for Dr. Purser as it might be less intense.

Dr. Lamb stated that in the original Stipulation and Order there is mention of taking and passing the CPEP or SPEX's examination.

Dr. Purser commented that he will take one of the examinations if the Board determines it is necessary. He stated that he had a neurologist do a couple of evaluations and those should be in his file.

Ms. Taxin clarified and read the requirement for CPEP and SPEX in the Stipulation. It was determined that Dr. Purser did not have to complete either. Ms. Taxin responded that the Board could consider early termination but a letter of request from Dr. Purser would be required.

Dr. Purser stated he would write a letter.

The Board determined Dr. Purser is in compliance with his Stipulation and Order.

Dr. James Pingree made a motion for early termination of probation pending receipt of a letter of request.

Dr. Ries seconded the motion.

The Board vote was unanimous.

Ms. Taxin instructed Dr. Purser to write the letter and submit it to Ms. Harry. She stated that upon receiving the letter she will then write the amendment to Dr. Purser's Stipulation and Order which will take approximately 2 weeks after the letter has been received.

12:00 pm to 1:00 pm

WORKING LUNCH

1:00 pm

Dr. Darrell G. Anderson, Probationary
Interview

Dr. Anderson met for his probationary interview.

Dr. Howell conducted the interview.

Dr. Howell requested Dr. Anderson to update the Board.

Dr. Anderson responded that he is now off all pain medications. He stated that he has had some health issues and was out ill for about 3 months. He stated that he sees 8 to 10 patients.

Dr. Howell stated that his triplicate prescriptions have been reviewed and there were some inconsistencies noticed. She asked Dr. Anderson to explain.

Dr. Anderson reviewed the triplicate prescriptions and explained that he had to go back and write 35 on the numbered prescriptions. He stated that sometimes the prescriptions get out of order as he attaches them to his clip board.

Ms. Taxin commented that there were a number that had a void written on it and then the same exact prescription on another sheet. She stated that she also noticed there were some where the prescription was written and then he had written another one right after.

Dr. Anderson explained that there are times that the patient may want a week's worth to get them by until they can afford the full prescription or the pharmacy may be out and won't have the full prescription until the next day.

Dr. Howell explained to Dr. Anderson that he can write 2 prescriptions on the same day with a note to fill one on the date and the second one on a future specific date.

Ms. Taxin stated that there were also inconsistencies in addresses and patients as he wrote one for a patient 75 years old and another with the same name noting the patient is 45 years old. She stated that it also appeared that there were different people writing the prescriptions and the handwriting was different.

Dr. Ries asked if he is writing his own prescriptions.

Dr. Anderson responded that he is writing them all himself. He stated that he believed he new the addresses of some of his patients so wrote the prescriptions from memory.

Ms. Taxin recommended Dr. Anderson go to the website and read the controlled substance Laws and Rules. She stated that he needs to be aware of how to correctly write his prescriptions.

Dr. Howell commented that Dr. Anderson's prescription stack is larger than the Board normally sees and she asked if the stack is for more than 3 months.

Dr. Anderson responded that he submitted 7 months of triplicates. He stated that once he has a patient for 90 days they are considered a repeat patient.

Dr. Howell stated that his prescribing, from a psychiatrists point of view, is high. She asked if Dr. Anderson brought his controlled substance log for the Board to review.

Ms. Taxin asked if Dr. Anderson administers controlled substances in his office.

Dr. Anderson responded that he does not.

Ms. Taxin clarified that Dr. Anderson does not have to submit a log if he is not administering in his office.

Dr. Howell asked if Dr. Anderson has any additional illnesses.

Dr. Anderson responded that he now has depression.

Dr. Howell asked how Dr. Anderson believes he is doing.

Dr. Anderson responded the he struggles but is getting

by. He stated that financially he is not doing well and his wife filed for divorce. Dr. Anderson stated that Dr. Hendry is now his prescribing Physician. He stated that if the Division would send him photocopies of the prescriptions in question he will check on them.

Dr. Howell responded that he may contact the DOPL database and get a printout for the last year. She stated that it is important for Dr. Anderson to tell his patients that he cannot legally prescribe medications prior to their time for the next prescription.

Ms. Taxin again recommended Dr. Anderson review the controlled substance Laws and Rules as there have been some changes that he needs to be aware of.

Dr. Howell asked Dr. Anderson how he and his supervisor are doing in their meetings.

Dr. Anderson responded that his supervisor has spent time in Montana so they have not met recently. He stated that the supervisor will be moving to Montana next year.

Ms. Taxin asked if Dr. Anderson has changed anything in his practice based on the feedback from his supervisor.

Dr. Anderson responded that he has made some changes in documentation and writing the rationale for treatment with specific medications.

The Board voiced concern regarding the triplicate prescriptions and determined that they are out of compliance but the paperwork submitted is in compliance with his Stipulation and Order.

An appointment was made for Dr. Anderson to meet again December 10, 2008.

DISCUSSION ITEMS:

FYI

The Board noted that the Opt-Out Meeting, September 24, 2008, will be from 8:00 am to 12:00 pm.

Ms. Taxin informed the Board that a summary of the issues is in their packet today for them to review. She stated that a quorum will be required for a voting recommendation. Ms. Taxin stated that she has also asked for a quorum from the Osteopathic Physician Board as they will also need to give a recommendation. Ms. Taxin stated that all comments will be made in the hearing and the public and Board members may ask questions. She stated that following the hearing the Physicians Board and the Osteopathic Physician Board will meet to discuss what was presented in the hearing and to make their recommendations.

Dr. Lamb, Dr. Babitz, Dr. James Pingree and possibly Dr. Parker notified Ms. Taxin that they will be absent.

FYI

The Board noted that Dr. Layfe Anthony's hearing will be October 6 and 7, 2008. The Board noted that the hearing will start at 9:00 am.

Dr. Lamb and Dr. Babitz and Dr. James Pingree notified Ms. Taxin that they will be absent.

FYI

The Board noted that the October Board meeting will be October 8, 2008 from 8:00 am to 12:00 pm only.

Dr. James Pingree and Dr. Parker notified Ms. Taxin that they will be absent.

FYI

The Board noted that Dr. Michael Goates' hearing will be October 8, 2008 from 1:00 pm to approximately 6:00 pm.

Ms. Taxin stated that Dr. Goates has submitted all his reports and denies that he is using any drugs or alcohol.

Ms. Buhler asked if the hearing will proceed with or without an attorney for Dr. Goates as Judge Eklund stated in the last hearing.

Ms. Taxin responded that Ms. Buhler is correct that the hearing will proceed.

FYI

Review the Sample Stipulation and Order

The Board noted that Dr. James R. Fowler and Dr. Marc E. Babitz were reappointed to the Board. Ms. Taxin informed the Board that she included a copy of a sample Stipulation and Order. She requested Board members to review the document and if they believe additional requirements should be considered or different language to clarify better to e-mail her or let her know at the next scheduled Board meeting and she will revise her sample.

Dr. Lamb requested Ms. Taxin to give the Board feedback regarding any revisions at the next Board meeting.

Ms. Taxin responded that she would inform the Board.

Dr. Ries asked if Stipulations are changed if the person has legal counsel.

Ms. Taxin responded that if there is legal counsel involved then there are always changes. She stated that she then has to decide if there are some requirements that are worth retaining in the Stipulation if the licensee will not sign with everything. She stated that she starts with a lot of requirements knowing some things will be pulled out.

Discussion regarding Termination of Probation for Dr. Brandon Bentz

Ms. Taxin read Dr. Bentz letter and Dr. Lamb read additional letters requesting early termination of his Probation.

Dr. Lamb commented that Dr. Bentz indicates and reiterates that the issue that brought him before the Board was a consensual relationship. He stated that Dr. Bentz has complete the counseling required, changed his practice to be sure a chaperone is always present when he is with a female patient and has the support of his Department Chairperson. He stated that Dr. Bentz has clearly completed what was required of him except the time frame.

Dr. Lamb made a motion to terminate Dr. Bentz

probation based on Dr. Bentz having completed the requirements of his Stipulation and Order except the time frame.

Dr. James Pingree seconded the motion.

The Board vote was unanimous.

Review the Articles for Practice

Ms. Taxin explained that she received an e-mail with some articles attached. She stated that the articles were informative and wondered if she should require probationers to read them. She asked the Board to review the articles and give her their input at the next scheduled Board meeting.

Tentative 2009 Board Meeting Schedule

The Board noted the following tentative dates for the 2009 Board meeting schedule: Wednesdays, January 14, February 11, March 11, April 8, May 13, June 10, July 8, August 12, September 9, October 14, November 4 and December 9, 2009.

FYI

Ms. Taxin informed the Board that Dr. Jeremy R. McCandless agreed to a non-disciplinary surrender of his license. **The Board noted the information.**

FYI

Ms. Taxin informed the Board that a Cease and Desist Order was issued to Dr. Manuel Bustos. **The Board noted the information.**

FYI

Dr. Lamb commented that at our last meeting we offered Dr. Layfe Anthony to extend his license. He asked Ms. Taxin if she has heard from him or his attorney.

Ms. Taxin responded that she has not heard from Dr. Layfe Anthony or his attorney.

FYI

Ms. Taxin informed the Board that California has now started finger printing all Physician and Surgeon applicants. She stated that the Qualifying Questionnaire (QQ) in the application is based on being honest when the applicant fills out the application. She stated that there are times that the Division has discovered an applicant has lied on the QQ. She stated that doing an FBI fingerprint check is another method to protect the public.

Ms. Harry commented that the Division now has the capability to complete the fingerprints here.

CORRESPONDENCE:

Dr. Aaron Jones E-mail

Ms. Taxin requested the Board to review Dr. Jones e-mail regarding a proposal for supervision.

She stated that after he met with the Board she wrote a Stipulation and Order for Dr. Jones. Ms. Taxin explained that he has not yet signed that Stipulation and Order as he was concerned the he did not have employment in Utah. She stated that it is a waste of her time, Dr. Jones time and the time of the Board if a person signs but cannot meet the requirements and she advised him not to sign until he is prepared to meet those requirements. Ms. Taxin stated that Dr. Jones has been in contact with her and has requested some amendments to the original Stipulation and Order that she prepared. She stated that she has informed him that there are some requirements that she believes must be retained in the Stipulation and Order. She stated that his last request she informed him would be presented to the Board for review. Ms. Taxin stated that she did receive a phone call from someone who is considering hiring Dr. Jones and wanted some information which she provided. Ms. Taxin stated that Dr. Jones asked her who could supervise him and she responded that a licensed Physician and Surgeon could supervise. She stated that Dr. Jones then informed her that he has a Physician Assistant who could supervise him. She stated that he has also asked for some credit on the time frame in Utah as he has completed several hours in California. Ms. Taxin stated that she informed Dr. Jones that she would have the Board review the information and respond back to him. Ms. Taxin stated that the unsigned Stipulation and Order has been out for about 6 months and prior to signing it would need to be updated.

Dr. Lamb responded that there have been at least 3 Physicians who have not been supervised by Physicians. He stated that one was supervised by an Advanced EMT and another by a Nurse Practitioner. Dr. Lamb stated that the proposed

supervisor has been requested to come before the Board for discussion and clarification regarding the supervision in order for the Board to be satisfied that the Physician would be supervised appropriately.

Dr. Ries commented that she knows there has been a precedence set but believes it is a dangerous precedence to have a Physician supervised by someone who is not the same level of licensure.

Dr. James Pingree concurred that being supervised by someone other than a licensed Physician should be an exception and not the rule.

Dr. Lamb responded that the proposed supervisor would need to meet with the Board prior to considering them to supervise Dr. Jones.

Ms. Taxin then read the original Stipulation and Order requirements.

Board members concurred with the requirements but reserved making a decision on the supervisor until the proposed supervisor meets with the Board.

FSMB Correspondence

The Board reviewed the FSMB Journal Number 2. **No Board action was taken.**

NEXT MEETING SCHEDULED FOR:

October 8, 2008

ADJOURN:

The time is 1:55 pm and the Board meeting is adjourned.

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

October 8, 2008
Date Approved

(ss) Marc E. Babitz, MD
Chairperson, Utah Physicians Board

September 17, 2008
Date Approved

(ss) Noel Taxin
Bureau Manager, Division of Occupational &
Professional Licensing