

MINUTES

**UTAH
OSTEOPATHIC PHYSICIAN
BOARD MEETING**

April 23, 2009

**Room 402 – 4th Floor – 8:30 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:43 A.M.

ADJOURNED: 1:08 P.M.

Bureau Manager:
Board Secretary:
Division Compliance Manager:

Noel Taxin
Karen McCall
Ronda Trujillo

Board Members Present:

J. Howard Loomis, DO, Chairperson
Keith P. Ramsey, DO
Jane W. Brown
Warren A. Peterson, DO

Board Members Absent:

W. David Voss, DO

DOPL Staff Present:

David Stanley, Division Director
Wayne Holman, Chief Investigator
Larry Gooch, Investigator
Irene Gayheart, Investigator
Dan Lau, Assistant AG
Rick Norton, Assistant AG Assistant
Karl Perry, Assistant AG
Kent Barnes, Sr. Business Analyst

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the January 22, 2009 Board meeting were read.

Dr. Peterson made a motion to approve the minutes with minor revisions. Dr. Ramsey seconded the motion. **The Board vote was unanimous.**

FYI

Ms. Taxin was requested to inform the Board the of a

new Law that passed requiring the minutes to be approved and posted prior to the quarterly meeting dates of the Board. She stated the minutes will be written up as a DRAFT and mailed out to Board members to review and get back to Ms. McCall with any revisions as soon as possible in order for them to be approved and posted on the website.

Dr. Ramsey asked if the Board could still discuss the minutes at the quarterly Board meetings.

Ms. Taxin responded the Board could discuss them but they will already be approved and posted on the website.

APPOINTMENTS:

8:50 am

Ronda Trujillo, Compliance Update

Ms. Trujillo informed the Board of the new form in the probationary files. She requested they be sure to complete the form, mark the box for compliance or non-compliance and to sign and date the form.

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

Ms. Trujillo reported **Dr. Douglas D. Callahan** is currently in compliance with his Stipulation and Order. She reminded the Board to inquire about the 4 additional CE's in ethics which are due April 21, 2009. Ms. Trujillo requested the Board to clarify if Dr. Callahan is an employee or if he is self employed as the employer report has not been received since June 2008. She stated all information is due January 1, April 1, June 1 and October 1 for Dr. Callahan to be in compliance.

Ms. Taxin stated if Dr. Callahan is self employed he still needs to submit the report form with a statement from him confirming self employment. She stated Dr. Callahan submitted his triplicate copies of prescriptions and there are some numbers missing. She also requested the Board to inquire about the numbers of prescriptions being written as the database shows considerably more than the number of triplicate prescriptions Dr. Callahan

submitted. She stated she requested Dr. Callahan to bring some random files for the Board to review to determine if the prescriptions are properly documented in the files.

Dr. Peterson commented Dr. Callahan has repeatedly informed the Board of transferring patients who are on chronic paid medications but it appears he is still writing large numbers of prescriptions.

Ms. Trujillo asked the Board to also confirm Dr. Callahan is or is not administering controlled substances (CS's) to patients in his office. She stated a log is required if he is administering in the office.

Ms. Trujillo reported **Dr. Larry G. Andrew** is currently out of compliance with his Stipulation and Order in the following areas:

1. Dr. Andrew has not yet submitted an updated practice plan for the Board to review and approve.
2. The January and April supervisor reports from Dr. Kronmiller have not yet been received. She stated Dr. Kronmiller has submitted monthly record review reports but no supervision report.
3. Dr. Andrew must submit a log if he is administering CS's to patients in his office.
4. Dr. Andrew should be advised to change his letterhead as it is still indicates he is working in infertility.
5. The therapist report has been received but the therapist indicates she has not read the Stipulation and Order.

Ms. Trujillo stated Dr. Andrew submitted documentation of taking the PRIME course and the course on maintaining proper boundaries. She asked the Board to clarify with Dr. Andrew if these courses are accepted to complete those requirements.

Ms. Taxin recommended the Board request Dr. Andrew to explain what he learned in the PRIME course. She stated he must submit a copy of the

certificate of completion prior to the Board accepting the course as meeting the requirement.

Ms. Taxin stated she received a letter from a victim that she will read during Dr. Andrew's appointment in order for him to hear the letter and respond.

Ms. Taxin stated Dr. Andrew has been before the court since he last met with the Board to request the infertility restriction be removed. She stated the courts denied his request. She stated there has been a lot of activity in the newspapers and she has received several phone calls regarding Dr. Andrew. Ms. Taxin stated she believes Dr. Andrew should submit a current psychological evaluation prior to the Board lifting the restriction after the courts have lifted their restriction. She suggested the Board ask Dr. Andrew what he thinks the Board should do to be sure the public is protected.

Dr. Lau, AG, stated the Stipulation and Order allows for the Board to request another evaluation and it also states Dr. Andrew shall participate in any therapy, counseling and/or aftercare if the Board recommends it.

Ms. Taxin reminded the Board that the meeting could be closed for discussion regarding mental health. She stated the therapist needs to write a more extensive evaluation/letter which says Dr. Andrew is safe to practice.

Ms. Trujillo reported **Dr. Vaughn Johnson** is currently out of compliance with his Stipulation and Order in the following areas:

1. The requested supervisor resume has not been received.
2. The supervision report has not been received.
3. Dr. Johnson was scheduled to attend the CPEP course February 23 and 24, 2009 but no documentation of completion has been received. Dr. Johnson's due date to complete the course is May 25, 2009.
4. Dr. Johnson's deadline to attend a prescribing

course was extended from May to June but nothing has been submitted to pre-approve a course.

5. A misdemeanor was reported in 2008 and there is no documentation regarding the incident or the status of the incident.

Ms. Taxin reminded the Board of their denial of Dr. Johnson's supervisor at the last Board meeting and the request for Dr. Johnson to submit another name and a resume of a proposed supervisor. She stated Dr. Johnson signed the Stipulation and Order on November 18, 2008 and has been working without an approved supervisor. Ms. Taxin also stated the database documents Dr. Johnson has written prescriptions since November without a CS license. She stated if the database has been given incorrect information from pharmacies then she will request an investigation.

9:15 am

Dr. Douglas D. Callahan, Probationary Interview

Dr. Callahan met for his probationary interview.

Dr. Loomis conducted the interview.

Dr. Loomis asked if Dr. Callahan has completed the required 4 hours of CE on prescribing as it is due April 21, 2009.

Dr. Callahan responded he has not completed a course in prescribing. He requested suggestions as the courses he has checked into are very expensive.

Ms. Taxin responded Dr. Callahan has not contacted her since the last Board meeting for any information. She stated she gave him some suggestions at the last Board meeting of which some were free courses. Ms. Taxin gave Dr. Callahan the deadline of May 4, 2009 to submit a course outline/syllabus for pre-approval of a course.

Dr. Loomis requested Dr. Callahan to clarify his business relationship with his father.

Dr. Callahan responded he was an independent

contractor working in his father's practice. He stated his father has now made him a partner in the business which means he is self-employed.

Ms. Taxin informed Dr. Callahan that he is required to complete the supervision form stating he is self employed. She stated if Dr. Callahan's situation changes then he needs to update the Division/Board.

Dr. Callahan took the form and responded he will fill it out and turn it in to Ms. Trujillo today.

Dr. Loomis asked Dr. Callahan to explain the discrepancy in the triplicate prescriptions he submitted as numbers 676 through 700 are missing. He also requested Dr. Callahan to review the database list and explain why there are so many pages of prescribed CS's.

Dr. Callahan responded that he may have skipped a prescription pad and pulled the next one. He stated he will check when he gets back to his office. He stated he does not know why the database has so many CS's listed as he knows he is writing a lot less prescriptions.

Dr. Loomis asked if Dr. Callahan is accessing the database on regular basis to keep track of what is written and what is listed.

Dr. Callahan responded he is not using the database. He stated the office is in the process of changing from written prescriptions to electronic. He stated he brought the requested files for the Board to review and stated they may have the electronic prescriptions. Dr. Callahan stated the pain management patients were referred to pain specialists a couple of months ago and are no longer being treated in their office.

Ms. Taxin reminded Dr. Callahan of the discussion at the last Board meeting regarding the database being available for the benefit of the practitioner to monitor the prescriptions. She voiced her concerns about Dr. Callahan's progress with prescribing and being more aware.

Dr. Callahan responded he believed he was making changes in his practice for the better. He stated he can now see he needs to do more. He stated they no longer treat the patients who need the pain management practitioner. Dr. Callahan stated he previously discussed the patients who have trouble sleeping and through research he has come up with some things to try prior to using medications.

Ms. Taxin suggested Dr. Callahan write out the plan of the things he came up with to try prior to using medications and provide the information to the Board to review. She stated Dr. Callahan should go through the database information and note the refills and make sure the prescriptions he writes match up with the documentation. She suggested he call the pharmacies to check on the discrepancies that do not match. Ms. Taxin stated Dr. Callahan can then say he has made the comparison when he submits the triplicate copy of the prescriptions. She stated the Board is trying to make him aware of inconsistencies that concern the Board. Ms. Taxin stated if Dr. Callahan does the comparison he can then be more aware for his next quarterly appointment and should be able to fill in the gaps for the Board. She stated the Board appreciates Dr. Callahan for making efforts to follow the Stipulation and Order requirements.

Dr. Loomis asked if Dr. Callahan is administering any CS's to patients in the office.

Dr. Callahan responded they are not administering any CS's in their office.

The Board determined Dr. Callahan is currently out of compliance with his Stipulation and Order as he will not have the required 4 hours of CE in ethics completed by April 21, 2009.

An appointment was made for Dr. Callahan to meet again July 1, 2009.

9:30 am

Dr. Larry G. Andrew, Probationary Interview

Dr. Andrew met for his probationary interview.

Dr. Ramsey conducted the interview.

Dr. Ramsey stated the Board is aware of Dr. Andrew's appeal to the courts regarding removing the restriction for him to do infertility treatments. He asked Dr. Andrew to update the Board regarding the appeal.

Dr. Andrew responded he did appeal to the court to remove the restriction and his appeal was denied. He stated he will now have to move to a smaller office as he does not have the patient base to support the large office he currently has. He stated he is now working about 9 hours a week and has about 6 or 7 patients he is now seeing. Dr. Andrew stated he is doing some general family practice, working with those who have pelvic pain and does hormone replacement. He stated he has completed the required ethics course, which was a good course to take, and will submit the certificate of completion upon receiving it.

Dr. Ramsey stated the records review from Dr. Kronmiller was received. He stated a letter was received from Dr. Andrew that still has the infertility letterhead. Dr. Ramsey stated the courts have put Dr. Andrew on the restriction of not engaging in infertility treatments and the letterhead needs to be changed.

Dr. Andrew responded it was an oversight and he will take it off.

Dr. Ramsey asked if Dr. Andrew has continued to have a chaperone present and kept a log as no log has been submitted since December 2008.

Dr. Andrew responded he does have a chaperone present as required and does keep a log. He stated Dr. Kronmiller has requested the log and stated he was sending it in with the report.

Ms. Trujillo responded Dr. Kronmiller has submitted a monthly record review but no log and no supervision report.

Ms. Taxin requested Dr. Andrew to follow-up with

Dr. Kronmiller and stated she will accept the reports and log if they are submitted by Tuesday or Wednesday, April 28 or April 29, 2009. She stated it is ultimately Dr. Andrew's responsibility to be sure all information has been received by the 28th of the month.

Dr. Ramsey asked if Dr. Andrew has a current DEA number as it appears his is expired.

Dr. Andrew pulled his card out of his wallet.

Ms. Trujillo made a copy for Dr. Andrew's file.

Dr. Ramsey asked if Dr. Andrew completed a course on sexual boundaries through Vanderbilt and, if he did, to submit documentation of completion.

Dr. Andrew responded he did complete the Vanderbilt course. He stated it was a 4 day course where they isolated and discussed each boundary issue, what leads to those issues and how to resolve them. He state there is a lack of sufficient training in those areas sometimes during the residency programs. Dr. Andrew stated they also covered physical contact with other persons.

Ms. Taxin explain the PRIME course has been accepted but the Board needs to approve the Vanderbilt course. She stated Dr. Andrew could review his notes and respond at the next meeting what he learned, what he plans to apply to his practice and submit a copy of the certificate of completion.

Dr. Ramsey stated the Board needs to be sure if the course was adequate or if Dr. Andrew will need another course. He stated if Dr. Andrew could explain what he learned it would assist the Board in evaluating the course. He stated the therapist report was received and the therapist mentions Dr. Andrew is making progress in resolving the issues in his life. Dr. Ramsey stated the Board would be more comfortable removing the restrictions on Dr. Andrew's licenses if he would get a current

psychological evaluation. He stated it would be good to see some improvement on the report. Dr. Ramsey did state the Stipulation and Order does not require another one so it is not a requirement but recommended. He stated Ms. Taxin received a letter from a patient of Dr. Andrew.

Ms. Taxin addressed the therapist report. She asked if Dr. Andrew had provided a copy of his Stipulation and Order for the therapist to review as the report documents the therapist has not read his Stipulation and Order. She stated if he has not provided a copy he should do so as soon as possible so if the therapist has any questions she can ask them and she can work on the issues needed for Dr. Andrew. She stated if a second evaluation says there is still a moderate concern then the Board would need to address that with Dr. Andrew. Ms. Taxin then read the letter from the patient. She stated she has also received several phone calls. Ms. Taxin stated the Division and Board are to protect the public and need to be sure Dr. Andrew is offering safe services and being the best doctor he can be.

Dr. Andrew responded it is not an issue of not wanting to get another evaluation but it is a cost issue.

Dr. Peterson made a motion to close the meeting to discuss Dr. Andrew's mental status. Dr. Ramsey seconded the motion. The Board vote was unanimous. The meeting was closed.

Dr. Peterson made a motion to re-open the meeting. Dr. Ramsey seconded the motion. The board vote was unanimous. The meeting was re-opened.

Dr. Ramsey stated the Board requested an updated practice plan at the last meeting. He stated Dr. Andrew submitted a copy of the old original practice plan and the Board is again requesting Dr. Andrew to update the plan and submit it for Board review/approval.

Ms. Trujillo gave Dr. Andrew a copy of the

practice plan sample.

Ms. Taxin stated the Board may need to amend Dr. Andrew's Stipulation and Order accepting his working 10 hours a week for the time to count.

Dr. Ramsey asked if Dr. Andrew has considered volunteer work.

Dr. Andrew responded he has thought of volunteer work but cannot see any patients if they are funded by Medicare or Medicaid.

Ms. Taxin recommended he call the National Data Base and ask if the restriction could be lifted so he can work in facilities funded by Medicare and/or Medicaid. She suggested he also contact the Utah Medical Association and ask them if they are aware of volunteer opportunities. She stated Dr. Andrew could stipulate the types of patients and/or problems he wants to treat.

Dr. Ramsey recommended Dr. Andrew contact the BYU Student Medical Center, the 4th Street Free Clinic or other clinics. He stated he receives letters asking if he will see patients and they will send him the number of patients he agrees to treat.

The Board determined Dr. Andrew is out of compliance with his Stipulation and Order based on not receiving an updated practice plan, the chaperone log and missing supervisor reports for January and April from Dr. Kronmiller unless Ms. Trujillo receives the reports by April 29, 2009.

An appointment was made for Dr. Andrew to meet again July 1, 2009.

9:45 am

Dr. Vaughn Johnson, Probationary Interview

Dr. Johnson met for his probationary interview.

Dr. Peterson conducted the interview.

Dr. Peterson stated the Division has not received a letter or resume from a proposed supervisor. He reminded Dr. Johnson of the discussion at the last

meeting when the Board suggested he obtain a different supervisor.

Dr. Johnson responded he did ask someone and was turned down. He stated Dr. Templeton has been consistent in meeting weekly with him and he would like to remain under his supervision.

Dr. Peterson stated the Stipulation and Order requires Dr. Johnson to be supervised by a Board approved supervisor. He stated the Board did not approve Dr. Templeton as the supervisor and working without an approved supervisor puts Dr. Johnson out of compliance.

Dr. Johnson responded meeting weekly for 5 years is a large commitment on the part of the supervisor.

Dr. Peterson stated Dr. Johnson does not have to keep the same supervisor for all 5 years. He stated it is important to have an approved supervisor right now and for the supervisor to submit the proper reports.

Ms. Taxin stated Dr. Johnson may also request the requirement be amended to meet less frequently after he has been in compliance with his probation for awhile.

Dr. Johnson responded Dr. Templeton has been filling out forms and he believed Dr. Templeton was faxing the information to the Division.

Ms. Trujillo stated the Division has received charts but has not received any supervisor reports as required. She gave Dr. Johnson another copy of the report form.

Ms. Taxin stated the form was given to Dr. Johnson at his first meeting with the Board.

Dr. Johnson responded he has never received a copy of the supervisor's report form.

Dr. Peterson read Dr. Johnson the minutes from his last meeting which documents Dr. Johnson was

given a copy of the form. He reminded Dr. Johnson that the information was covered in the last meeting.

Dr. Johnson admitted he has not followed through in finding a new supervisor as directed by the Board. He committed to making locating a supervisor a priority.

Ms. Taxin asked Dr. Johnson if he is prescribing CS's at this time.

Dr. Johnson responded he is not as his CS license is currently suspended.

Dr. Peterson asked if there are any PA's at his office that could be using his prescription pads.

Dr. Johnson responded there should still be some refills on prescriptions but he has not written any since his license was suspended last fall.

Ms. Taxin voiced frustration as the database list documents many pages of prescriptions having been written since Dr. Johnson's license was suspended. She stated there should be no new prescriptions on the list. Ms. Taxin requested Dr. Johnson to review the list to determine if he recognized any names. She brought to his attention a prescription written a few days ago.

Upon reviewing the list, Dr. Johnson confirmed there are names of his patients listed. He stated he cleared through his attorneys for all refills to be filled after the suspension. Dr. Johnson stated the list is fraudulent or pharmacists are using his name and DEA.

Dr. Loomis asked if the database indicates the original date of writing the prescription or the refill dates.

Mr. Stanley responded the date indicated is the date the prescription was picked up.

Ms. Taxin suggested Dr. Johnson contact the database manager, Marvin Sims, for a list of his prescriptions and contact the pharmacies

regarding the filled prescriptions. She stated Dr. Johnson has not followed through with the terms of his probation as he agreed to do regarding an approved supervisor. She stated he was advised by the Board to find a different supervisor and was given some suggestions of individuals to contact but he did not follow through.

Dr. Johnson argued that Dr. Templeman has agreed to supervise and is a sharp physician. He stated he does not understand why the Board will not accept Dr. Templeman. He explained he has severed all ties with the weight loss clinic and is now doing endocrinology and hormone replacement.

Dr. Peterson responded Dr. Templeman is not in active practice and does not work in the same specialty as Dr. Johnson. He stated Dr. Johnson needs a supervisor who is familiar with his type of practice.

Dr. Loomis stated Dr. Voss made a recommendation at the last meeting for Dr. Johnson to find a supervisor who would be more appropriate.

Dr. Johnson responded he did contact one person who could not supervise. He explained he probably was complacent as he was receiving some supervision. He stated it is difficult to find someone who is familiar with his specialty as it is a unique type of practice. He stated he would not agree to supervise someone if he did not know them. Dr. Johnson stated he completed the CPEP program and believes it was the most unorganized program he has ever attended. He stated when he arrived they did not know him, one physician did not agree with Dr. Johnson's methods in treating thyroid. He stated he believes some of the evaluators are of old school and did not agree with his style.

He stated there were other physicians at CPEP who were more knowledgeable. Dr. Johnson stated the CPEP program was interesting but not what he had expected. He stated supervision is a quandary for him but he will have to do what is acceptable to complete his probation.

Dr. Loomis recommended Dr. Johnson review the suggestions from Dr. Voss and make contact regarding supervision and explain his style of practice. He stated if Dr. Johnson has consistent positive supervision reports that show progress the Board could consider reducing the supervision time from weekly to a lesser frequency.

Dr. Peterson reminded Dr. Johnson of his signing the Stipulation and Order and now he is required to be in compliance. He stated it is not the Board or Division's responsibility to be sure Dr. Johnson is compliant as it is not their probation. Dr. Peterson stated Dr. Johnson has had 3 more months of doing nothing and now this is a serious situation. He stated Dr. Johnson could loose his license if he does not get into compliance.

Ms. Taxin stated the Division has hundreds of probationers who need supervision and all are in compliance with this requirement in their Stipulations and Orders. She suggested he contact some local practitioners with similar specialty and explain his practice, that he is on probation and needs a supervisor. She suggested he ask them to meet with him to review the Stipulation and Order so they know what his requirements are and what is expected of a supervisor. She stated Dr. Johnson needs to communicate with her and/or Ms. Trujillo regarding any questions, what he is doing, etc.

Dr. Johnson again stated he was hoping the Board would accept Dr. Templeman if he could document they were meeting together and he was practicing. He then stated upon thinking about the database list the clinic prescription pads list all the doctors in the clinic and maybe the pharmacies have picked his name instead of the name of the one who signed the prescription.

Mr. Barnes stated he talked with Marvin Simms, the database coordinator, and had him pull the report again. He stated Mr. Simms confirmed the information on the report is as the pharmacies have reported it to the database. Mr. Barnes stated

the pharmacy enters the information from the prescription, the date it is written and the date filled.

Dr. Johnson responded the pharmacy called him and since his name was at the top of the prescription they put it on his name. He stated he informed the pharmacy that he cannot write any CS's and not to use his name. He stated the clinic sent a letter to the pharmacies before he met with the Board and sent a second letter after. Dr. Johnson stated he now has his own prescription pads.

Ms. Taxin stated she will research further who has written the prescriptions. She again suggested he frequently request and review the database list.

Dr. Peterson asked if Dr. Johnson has scheduled the June 4 and 5, 2009 prescribing and documentation classes through Case Western.

Dr. Johnson stated he is planning on attending.

Dr. Peterson reminded Dr. Johnson that the CPEP evaluation and documentation of completion is due in May.

Dr. Johnson responded he called CPEP and was informed the information would be out the first part of next week. He stated he was hoping to get the suspension on his CS lifted.

Dr. Peterson explained the suspension cannot be lifted until Dr. Johnson is in compliance and the Board has met with his supervisor.

Dr. Peterson requested Dr. Johnson to explain the misdemeanor charge that has come to the attention of the Board/Division.

Dr. Johnson explained he was involved in a domestic situation with his wife about a year ago that resulted in the misdemeanor charge.

Ms. Taxin reminded Dr. Johnson of the e-mail he sent regarding the prescribing course with Case-

Western. She stated he requested an extension as there was a course in June and November and he would be unable to take the June one. Ms. Taxin asked which date Dr. Johnson is scheduled for the course.

Dr. Johnson responded there was a conflict for the June date which is no longer an issue and he is scheduled for the June course.

Ms. Taxin stated Dr. Johnson should be in compliance by the July meeting. She again requested him to communicate with her or Ms. Trujillo. Ms. Taxin reminded Dr. Johnson that he can find the forms and database information on the DOPL website at www.dopl.utah.gov. She stated he needs to find a supervisor and have the proposed supervisor submit a letter stating they have read the Stipulation and Order and are willing to assist Dr. Johnson in being successful in his probation. She stated the proposed supervisor's resume is also required. She stated they must meet with the Board/Division either in person or telephonically. Ms. Taxin stated the proposed supervisor is welcome to call her to discuss any questions they may have.

Dr. Johnson asked if he should continue with Dr. Templeman until he has an approved supervisor.

Ms. Taxin responded he could continue with Dr. Templeman so he has someone supervising. She stated Dr. Templeman is qualified but Dr. Johnson needs to have an approved supervisor as discussed in the very near future.

Ms. Taxin stated Dr. Johnson will need to submit a copy of the certificate of completion for the Case-Western course and the CPEP evaluation. She stated if Dr. Johnson is unable to obtain the CPEP evaluation to call her and she will contact CPEP. She recommended Dr. Johnson contact Ms. Trujillo prior to the 1st of the month when his information is due to be sure everything has been received. She stated the Division is no longer contacting probationers to ask for information.

Dr. Johnson stated he will contact the pharmacies again that have shown up frequently on the database. He confirmed he will contact Ms. Trujillo regarding his information being submitted and will submit the CPEP evaluation to the Division upon receiving it as well as a copy of the certificate of completion upon completing the prescribing and documentation courses through Case Western.

Ms. Trujillo reminded Dr. Johnson to submit all his information quarterly by the 1st of the month in which he meets.

The Board determined Dr. Johnson is out of compliance with his Stipulation and Order as he does not have a Division/Board approved supervisor and appropriate supervision reports have not been submitted.

An appointment was made for Dr. Johnson to meet again July 1, 2009.

Dr. Loomis Questions

Dr. Loomis commented the database documentation is useless unless the Board can rely on the documentation being correct.

Dr. Peterson agreed and stated it is the individual's probation and their responsibility to check on the database information to be sure it is correct.

Ms. Taxin stated she has other individuals who take their probation seriously by taking responsibility, checking the database information and calling in to be sure everything has been submitted on time.

Dr. Ramsey stated Dr. Johnson's records indicate he is not prescribing and maybe after this meeting he will take his probation seriously.

Dr. Loomis stated at the July appointment the Board needs to be sure Dr. Johnson is not writing prescriptions.

He stated Dr. Callahan needs to access the database

and compare his prescriptions to the list and have documentation or an explanation at the July meeting of not writing the numerous numbers of prescriptions.

Dr. Ramsey stated Dr. Johnson also needs to be following the recommendations of the Board and his Stipulation and Order.

Ms. Taxin stated Dr. Johnson says he practices different than anyone else but there are others who do the same type of practice. She stated he may need to make some changes while he is on probation to be in compliance. She stated she has taken the CPEP course and was impressed with how organized they were and the detailed reports they send on those completing the course. She stated the Board will not be able to recommend lifting the suspension on Dr. Johnson's CS license if the CPEP report comes back negative.

Ms. Brown commented it would be difficult to expect a supervisor to supervise weekly and write reports for 5 years.

Ms. Taxin responded she believes it is the way the request is presented that makes it difficult for anyone to commit to supervise Dr. Johnson. She explained the CPEP course and evaluation process for Ms. Brown and the Board regarding the different people involved and the many different tests the participants are expected to complete. She stated upon completion of the course the report documents strengths and deficiencies and CPEP sets up a program for the practitioner to practice/work on the deficiencies. Ms. Taxin stated she is surprised Dr. Johnson stated the people at CPEP did not know who he was as each program is set up specifically for that practitioner. She stated she could call CPEP to discuss the issue with them but would rather wait for the evaluation as something may have come to the surface during the time Dr. Johnson participated. She stated the evaluation gives feedback on the deficiencies in each section and upon review she and the Board will have a better understanding of Dr. Johnson's experience.

DISCUSSION ITEMS:

Update on Raymond Bedell Hearing

Ms. Taxin reported the hearing was postponed as the legal counsel requested a continuance. She asked the Board to check the following dates for availability: June 17, July 1 or July 15.

Board members requested the hearing be on a Thursday as that is a better day for them. They requested the July Board meeting be changed to July 2 and request the Hearing for that day.

Internet Prescribing

Ms. Taxin reviewed internet prescribing consent agreement. She stated there is a statute that allows a company to sell a number of specific drugs on the internet and the Division receives many requests to expand the number and types. She stated there is a committee of volunteers who review the requests. Ms. Taxin stated the volunteers must be Board members. She stated the commitment would be to review as needed as it is not to approve the concept but does their program meet the objectives of the Law. Ms. Taxin stated she believes the DO Board should represent their own profession. She stated the committee might be busy at first as there are currently 3 or 4 requests to be reviewed. She informed the Board that Laura Poe would send an e-mail when she is ready for the committee to meet and see who is available.

Board members voiced concern about time away from the office and presentations related to specialties they are not specifically familiar with or involved with.

There was no firm commitment from Board members to participate but all stated an e-mail request could be sent for participation. The Board members stated they would like to rotate their participation.

Proposed Rules

Ms. Taxin reviewed the proposed Rules with the Board.

Board members made a few suggestions but

determined the Rules as written should be filed and then review the entire document at a later date for additional revisions.

Ms. Taxin reviewed the process of filing, that public comment is available on the website and the Hearing process.

Dr. Ramsey made a motion to accept the proposed Rules as drafted on April 2, 2009 with no formal Rules Hearing. Dr. Peterson seconded the motion. The Board vote was unanimous.

Meeting Date Changes

The Board requested their meeting dates be changed to Thursdays as that is a better day for them. Upon reviewing the calendar for the remainder of 2009 it was decided to change the July 1 meeting to July 2, 2009 and the October 7 meeting to October 8, 2009.

The Board requested the 2010 meetings be scheduled for Thursdays if possible.

CORRESPONDENCE:

FSMB Barbara S. Schneidman, MD, MPH,
letter regarding a Board Visit

Ms. Taxin informed the Board of FSMB choosing August 12, 2009 to meet with the Osteopathic Physicians and Physicians Board during the lunch period. She stated the Physicians Board has requested FSMB staff to discuss ethics nation wide, re-entry into the profession after being out of practice and how other States function. Ms. Taxin requested Board members to contact her if they have any specific subject they would like discussed.

Board members thanked Ms. Taxin for the information and committed to attend the August 12, 2009 lunch time meeting.

FSMB Martin Crane, MD, letter regarding
FSMB Meeting

Ms. Taxin explained that she and Dr. Babitz of the Physicians Board were scheduled to attend the Federation meeting but the travel was declined due to the economy. She stated FSMB has been very helpful when she and staff have called with questions.

Dr. Peterson voiced disappointment in his experience when he attended a FSMB meeting.

Ms. Taxin responded Dr. Peterson may say he was disappointed but FSMB will be here to serve us and to help us.

Dr. Ramsey stated he attended a meeting where the focus was on developing one type of license for all States with one type of application for consistency nation-wide, how to obtain a license quickly to make sure the licensee can practice and to have a national databank for the licensees.

Ms. Taxin responded FSMB has developed one application.

The Board requested FSMB discuss the one application, the logistics of issuing appropriate licenses quickly and setting up a national databank.

NBME 2008 Annual Report

The Board reviewed the report. **No action was taken.**

NEXT MEETING SCHEDULED FOR:

July 2, 2009

ADJOURN:

The time is 1:08 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.

July 2, 2009
Date Approved

(ss) J. Howard Loomis, DO
Chairperson, Utah Osteopathic Physician Licensing Board

May 22, 2009
Date Approved

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Bureau Manager, Division of Occupational & Professional Licensing