

MINUTES

**UTAH
PHYSICIANS
BOARD MEETING**

February 11, 2009

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

CONVENED: 9:04 A.M.

ADJOURNED: 1:52 P.M.

Bureau Manager:
Board Secretary:
Division Compliance Specialist:

Noel Taxin
Karen McCall
Debbie Harry

Board Members Present:

Marc E. Babitz, MD, Chairperson
James H. Pingree, MD
George C. Pingree, MD
Kristen Ries, MD
James R. Fowler MD
John Bennion, Ph.D.
Richard Sperry, MD
Elizabeth F. Howell, MD
Stephen Lamb, MD

Board Members Absent:

Daniel J. Parker, MD
Lori Buhler, Public Member

Guests:

Laura Knudson, U of U Department of Family
Medicine
Leanne M. Pope

DOPL Staff Present:

David Stanley, Division Director
Kent Barnes, Sr. Business Analyst
Dan Lau, Attorney General

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the January 14, 2009 Board meeting were read.

Dr. Lamb requested probationers information

regarding specific health issues be revised to read health issues were discussed.

Ms. Taxin commented that the Board should always be aware of what is said during the Board meetings as everything is recorded.

Dr. George Pingree made a motion to approve the minutes with minor revisions. Dr. Fowler seconded the motion. **The Board vote was unanimous.**

BUSINESS FROM PREVIOUS MEETING

Review Rules regarding Code of Ethics,
Violation of Professional Conduct

Dr. Babitz requested this item be deferred to the March 11, 2009 meeting with a specified time for the discussion.

APPOINTMENTS:

9:00 am

Debbie Harry, Compliance Update

Ms. Harry updated the Board regarding the compliance or non-compliance of probationers. Ms. Harry stated she has had some challenges preparing probationary information for the Board as the probationers are not submitting the information by the 28th of the prior month. Ms. Harry stated in the future any probationer who has not submitted information on time will be considered out of compliance with their Stipulation and Order or Memorandum of Understanding.

Ms. Harry reported **Dr. Alan Heap** is currently non-compliant with his Stipulation and Order as he did not appear for his December 10, 2008 or January 14, 2009 appointments. She stated the Board requested specific information as follows:

1. Submit a new practice plan regarding how he deals with patients who use and abuse CS's,
2. Dr. Heap's plan for referrals,
3. Submit a report on what he has learned from reading the book "Responsible Opioid Prescribing",
4. Submit a letter from the Monastery regarding his current circumstances and
5. Submit the admission and discharge documentation from the VA Medical Center.

Ms. Harry stated the above information has not been received.

Ms. Harry reported **Dr. Edmund Chein** may be in compliance with his Stipulation and Order as his information was received this morning.

Ms. Harry reported **Dr. Steven R. Pack** is currently in compliance with his Stipulation and Order as all his information has been received.

Ms. Harry reported **Dr. David M. Pope** is currently in compliance with his Stipulation and Order as all his information has been received.

Ms. Harry reported **Dr. Michael G. Goates** license is still on suspension until the Board determines it should be lifted.

Ms. Taxin reminded the Board Dr. Goates was requested to submit specific documentation to have the suspension lifted from his license. She stated the information has been received which documents Dr. Goates completed the treatment program. Ms. Taxin stated the program Physician met with Dr. Goates twice with an LSAC being Dr. Goates main treatment provider. She stated she usually sees some type of recommendation regarding therapy, AA and/or PIR attendance, but none were made.

The Board voiced concerns regarding the documentation and the need for ongoing monitoring as relapse is high without assistance. The Board asked for assistance regarding options.

Ms. Taxin stated the Stipulation and Order currently includes specific clauses requiring attendance at AA and PIR and submitting attendance documentation. Additionally a Board approved therapist and a Board approved supervisor with reports being submitted regularly

and regular attendance at an aftercare program.

9:45 am

Dr. Alan Heap, Probationary Interview

Dr. Heap and Scott Cunningham, Attorney, met for Dr. Heap's probationary interview.

Dan Lau, Assistant Attorney General, was introduced.

Dr. James H. Pingree conducted the interview.

Mr. Cunningham distributed copies of Dr. Heap's supervisor's, Dr. Spector, letter.

Mr. Lau, AG, asked if Mr. Cunningham will be representing Dr. Heap in subsequent proceedings.

Mr. Cunningham responded he assumes he will. He stated he and Dr. Heap reviewed the proceedings on the CD from the last meeting and he believes the Board ran rough-shod over Dr. Heap. He request a copy of today's CD following the meeting.

Ms. Taxin responded the CD's are always available after the meeting and the written minutes are also available after the next Board meeting when they are approved by the Board.

Dr. Heap stated that he submitted information for the Board to review.

Dr. Babitz thanked Dr. Heap for submitting information today. He stated it is difficult for the Board to receive and review information for discussion when it is submitted late during the Board meeting. He stated Dr. Heap is out of compliance with his Stipulation and Order as all information is due by the 28th of the month prior to the Board meeting.

Mr. Cunningham asked if the Board was aware that Dr. Heap has had health problems and was hospitalized.

Dr. Babitz responded that the Board and Division had heard Dr. Heap was hospitalized but have not been formally informed by Dr. Heap.

Ms. Harry stated Dr. Spector's reports are due quarterly and should have been received by January 28, 2009. She stated the letter was received late last night.

Dr. Babitz stated the information received is a general letter statement and is not a specific report. He stated the Division has a form which was given to Dr. Spector and copies given to Dr. Heap for Dr. Spector to fill out.

Mr. Cunningham stated Dr. Spector reviews Dr. Heap's charts and submits the documentation to the Board. He stated he would submit some information from Dr. Spector today if the Board wanted it to review. Mr. Cunningham stated Dr. Spector is quite busy but takes his responsibility to Dr. Heap seriously.

Ms. Harry responded Dr. Spector has not submitted a report since August 2008.

Dr. Babitz reviewed the information Mr. Cunningham submitted and stated it appears Dr. Heap has seen 2 patients since his last appointment with the Board.

Mr. Cunningham again reminded the Board Dr. Heap was hospitalized.

Ms. Taxin stated someone called to notify her of Dr. Heap being hospitalized. She stated she contacted Dr. Spector who informed her that he could not get in touch with Dr. Heap.

Mr. Cunningham responded he called. He stated Dr. Spector and Dr. Heap talked on Monday night for several hours.

Dr. Babitz requested Dr. Heap to update the Board regarding the last few months.

Dr. Heap responded he was hospitalized the Monday before Thanksgiving for dehydration and an electrolyte imbalance and released December 8, 2008. He stated he then went to the Monastery until January 2009. Dr. Heap stated he is the advisor to the Abbott

at the Monastery. He stated he would return to Tooele to check on his patients who needed prescription refills and visit with them for half an hour to an hour and then return to the Monastery.

Dr. Babitz stated Dr. Heap should have charts for January for Dr. Spector to review. He stated the Board has been frustrated with Dr. Heap due to his failure to comply with the requirements of his Stipulation and Order and to submit required documentation when it is due. He stated Dr. Heap always has excuses for his failure, ie; his staff issues, his health issues and then staying at the Monastery. Dr. Babitz stated Dr. Spector was informed of the expectations of the Board Stipulation as a supervisor and the required reports to be submitted.

Mr. Cunningham commented he understood Dr. Heap was in compliance in October or November.

Ms. Taxin stated Dr. Heap was in compliance in November as the Board accepted the letter written by Dr. Spector. She stated there was an understanding with Dr. Heap that if his non-compliance with ethics of Laws continued that the Division will take action. She stated Dr. Heap was given the assignment to read the book “Responsible Opioid Prescribing”, to write a report regarding what he learned from the book and to present some ideas regarding how to address the patient issue of over prescribing. She explained Dr. Heap mentioned some patients consider him the candy man and that perception or accuracy needs to be changed.

Mr. Cunningham responded Dr. Heap is prepared to discuss the assignment today. He stated Dr. Heap has felt intimidated by the Board and it appeared the Board accepted Dr. Spector’s letter in lieu of the formal report. He stated one patient was told to go to a specific pharmacy and the patient has stated that was not the case.

Dr. Howell responded the Board has not been concerned about the pharmacy issue for over a

year.

Ms. Taxin stated one concern is Dr. Heap has been out of his office since November and there was no answer machine or message to refer patients to a number or person of contact if necessary. She stated sometimes when she has tried to call there has been a voice mail and sometimes there was not.

Dr. Heap responded he has not had any assistance in his office. He stated he allowed the Board to run rough shod over him at his last appointment but now he is ok and will not let that happen again.

Mr. Cunningham responded Dr. Heap has no help at his office.

Mr. Lau asked if Dr. Heap notified the Board that he would not be able to keep his appointment in December 2008 or January 2009.

Dr. Heap responded he was in the VA hospital and the Monastery and was suffering with delirium.

Mr. Lau asked if Dr. Heap went to Tooele to see patients while in delirium.

Dr. Heap responded he only went to Tooele to see patients when he was ok.

Mr. Cunningham commented his understanding is Dr. Heap sets his own appointments with the Board.

Ms. Taxin responded Dr. Heap's appointments are scheduled according to the time frame established by the Stipulation and Order or by the request or suggestion of the Board if they believe the probationer should be seen more or less frequently. She stated Dr. Spector called to inform her Dr. Heap was discharged from the VA hospital prior to the December Board meeting but would probably not keep his appointment with the Board that week.

Dr. Lamb stated Dr. Heap was clearly informed and he acknowledged understanding that the

Board was not pleased with his behavior.

Again Mr. Cunningham reminded the Board Dr. Heap was acknowledged as being in compliance in November.

Ms. Taxin again stated the compliance was based on paperwork being submitted on time.

Dr. Howell asked if documentation regarding Dr. Heap's VA hospital stay has been received.

Dr. Babitz responded a one page letter was received from the VA hospital which was written by a records technician.

Mr. Cunningham commented he did not understand the concerns of the Board as Dr. Heap appears to be well enough to be a safe practitioner.

Dr. Heap responded that he is well.

Dr. Howell explained the Board needs documentation of Dr. Heap's diagnosis and that he completed any recommended treatment. She stated it is the Board's responsibility to protect the public. Dr. Howell explained Dr. Heap has stated he was admitted to the VA hospital for dehydration and delirium and the letter indicates he was on the psychiatry ward but there is no documentation to confirm the diagnosis and treatment.

Dr. Babitz stated Dr. Heap needs to sign for a release of records and have the records sent to the Division for the Board to review.

Mr. Cunningham responded Dr. Heap's medical issues are not part of his Stipulation and Order and should not be the concern of the Board.

Dr. Babitz responded Dr. Heap's ability to safely practice medicine is the Board's responsibility. He stated Dr. Heap submitted a summary regarding how he would treat patients on medications and how he would refer patients out.

Ms. Taxin commented she had a phone call from the Monastery regarding a vote of support for Dr. Heap. She stated she called Dr. Heap and informed him a letter from the Monastery is required. Ms. Taxin stated Dr. Heap was sent a letter regarding the information he needed to submit for today's meeting.

Dr. Babitz commented Dr. Heap also submitted a short note regarding what he learned from the book Ms. Taxin recommended he read, "Responsible Opioid Prescribing".

Dr. Heap responded he read the book 4 times and also read several other books. He stated he has not had a good time in this process.

Dr. Babitz stated he and the Board want to be sure Dr. Heap is safe to practice. He again stated Dr. Heap is out of compliance with his Stipulation and Order and complete documentation was not submitted. He stated Dr. Heap needs to make arrangements for the Division to receive the VA hospital admit history and discharge summary, a complete supervisor report and a complete record review report from Dr. Spector regarding record review or no record review, a letter from the Monastery regarding the dates he was there. He stated Dr. Spector's reports are to be submitted quarterly. Dr. Babitz stated the October and January reports are missing and another report is due prior to April 9, 2009. He stated the Board has two goals when meeting with probationers, to protect the public and meet with the probationer for discussion to assist them in a successful completion of their probation. He stated Dr. Heap is required to meet with the Board and to complete the requirements he agreed on in the Stipulation and Order.

Mr. Cunningham responded Dr. Heap will be able to submit the information. He stated he is fairly clear with his clients that they need to meet the Stipulation and Order requirements.

Mr. Lau recommended Dr. Heap request Dr.

Spector to submit monthly reports for now to assist the Board in making some decisions.

Mr. Cunningham agreed to have Dr. Heap contact Dr. Spector for monthly reports for now.

Dr. Lamb commented Dr. Heap needs to have clear communication with the Board. He stated if Dr. Heap is ill and cannot contact the Division then he should designate someone to make that contact for him. He stated all practitioners have a responsibility to their patients and if they are unavailable they needs to be sure someone is designated to cover those patients in their absence. He stated Dr. Heap needs to leave a message on his voice mail regarding who to contact if he is unavailable. Dr. Lamb stated Dr. Heap had no contact information on his voice mail.

Dr. Heap responded his part-time secretary called each patient to inform them to go to emergency if they could not reach him. He stated again he has had health problems and office issues.

Dr. Bennion asked Dr. Heap the purpose of going to the Monastery.

Dr. Heap responded again that he is the advisor to the Abbott and has been going to the Monastery for 30 years.

Mr. Cunningham stated Dr. Bennion's question was specific. He asked if Dr. Heap was at the Monastery recuperating.

Dr. Heap responded yes he was there recuperating. He stated he is better now than he was since last meeting with the Board.

Dr. Bennion asked if Dr. Heap believes he was full recuperated when he left the Monastery.

Dr. Heap responded yes. He then stated he knows the Board is angry with him.

Dr. Babitz responded the Board is not angry with

Dr. Heap. He stated the Board is frustrated with Dr. Heap as he is the only psychiatrist in Tooele and is not doing the things he should do to comply with his Stipulation and Order to continue to practice. He explained if the Board has been tough on Dr. Heap it is tough love to be sure the public is protected and to assist Dr. Heap in being successful.

Mr. Lau asked if Dr. Heap would agree to be sure all documentation is submitted on a monthly basis by the 28th of the month.

Dr. Heap responded he would make that commitment. He asked if the Board has read Dr. Spector's letter.

The Board responded they have not read the letter as it was submitted today.

Dr. Cunningham stated he would read the letter to the Board.

Ms. Taxin responded the Board has other appointments and does not have time for Mr. Cunningham to read the letter at this time.

The Board found Dr. Heap out of compliance with his Stipulation and Order as required information was not submitted and requested information was not submitted.

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

10:00 am

Dr. Edmund Chein, Telephonic Probationary Interview

Dr. Chein met for his telephonic probationary interview.

Dr. Ries conducted the interview.

Dr. Ries asked if Dr. Chein is still teaching and sees no patients.

Dr. Chein responded Dr. Ries is correct.

Dr. Ries stated it appears Dr. Chein is in

compliance with his California probation. She stated the Board will consider him in compliance today as his information has been received but he will be out of compliance in the future if all required information has not been received by the 28th of the month prior to his appointment.

Dr. Babitz informed Dr. Chein he is required to submit information in a timely manner in order for the Division to prepare the probationary file for the Board to review. He stated Dr. Chein has been notified his information is due by the 28th of the month prior to his appointment and information was received yesterday, February 10, 2009.

Dr. Chein thanked Dr. Ries and Dr. Babitz for the information. He stated he will be the responsible party now and not depend on his legal counsel to be sure information is submitted.

The Board determined Dr. Chein is in compliance with his Stipulation and Order as his paperwork was received.

An appointment was made for a telephonic probationary interview on May 13, 2009. The Board reminded Dr. Chein to submit all information by April 28, 2009.

10:15 am

Dr. Steven R. Pack, Probationary Interview

Dr. Pack met for his probationary interview.

Dan Lau, AG, was introduced.

Dr. Lamb conducted the interview.

Dr. Lamb informed Dr. Pack that Mr. Lau was not attending the Board meeting specifically for him. He stated Dr. Pack has not met with the Board for 6 months as the appointment time schedule was changed from quarterly to twice a year based on Dr. Pack's consistent compliance with his Stipulation and Order requirements. He stated Dr. Pack has made progress. Dr. Lamb asked Dr. Pack if there was anything he would like to discuss or share with the Board.

Dr. Pack responded that he has had an issue with the language in his Stipulation and Order as it leads one to believe the medications in his office were unaccounted for. He clarified all medications in his office were accounted for by the investigator and the State Attorney.

Dr. Lamb voiced appreciation for clarification. He stated the language in the Stipulation and Order is in the past and cannot be changed at this time. He asked if Dr. Pack had any other issues he would like to discuss.

Dr. Pack responded he contacted the Lt. Governor and several Attorneys who wrote letters for him to the insurance companies. He stated the letters pointed out he was not a threat to their patients. Dr. Pack reported several insurance companies have allowed him to be on their panels. He stated that he is required to write a letter every month informing the companies he is in compliance with his Stipulation and Order.

Dr. Lamb informed Dr. Pack that Mr. Stanley, Division Director, is trying to work with the insurance companies to work out some agreement for probationers.

Mr. Stanley responded he is looking into some issues with the insurance companies.

Ms. Taxin pointed out Dr. Pack has completed the ethics course and been in compliance for a period of time and the Board recommended he meet every six months. She stated July will be two years Dr. Pack has been on probation. Ms. Taxin suggested the Board consider having Dr. Pack submit a letter requesting early termination for consideration at the August 2009 Board meeting.

Dr. Ries commented she is satisfied that Dr. Pack has met the requirements of his Stipulation and Order except the timeframe. Dr. Ries made a motion for Dr. Pack to submit a letter by May 28, 2009 requesting early termination of probation for the Board to consider at the June 10, 2009 Board meeting.

Dr. James Pingree seconded the motion.

The board vote was unanimous.

Ms. Harry stated if Dr. Pack would like to submit the request earlier she will present it to the Board.

Ms. Taxin reminded Dr. Pack to continue submitting his triplicate prescriptions and reports as those will also be reviewed and considered when the Board considers his request.

The Board determined Dr. Pack is in compliance with his Stipulation and Order by submitting his paperwork on time and keeping his probationary appointments.

An appointment was made for Dr. Pack to meet again June 10, 2009.

10:30 am

Dr. David Pope, Probationary Interview

Dr. Pope and Mrs. Pope met for his probationary interview.

Dan Lau, AG, David Stanley, Division Director, and Kent Barnes, Division Sr. Business Analyst, were introduced.

Dr. James Pingree conducted the interview.

Dr. James Pingree requested Dr. Pope to update the Board regarding the number of chronic pain patients he is seeing and if he is still planning to attend the Mayo Clinic course in March.

Dr. Pope informed the board he is seeing about 15 chronic pain patients at this time. He stated he is signed up for the Mayo Clinic course in March.

Dr. Howell requested Dr. Pope to explain his reasoning regarding a few prescriptions.

Dr. Pope explained one patient was the patient of another Physician for many years and then came to him. He stated he has continued the medications this patient was taking as the patient functions better with

those medications.

Dr. James Pingree requested Dr. Pope to be prepared to report on his experience at the Mayo Clinic course when he meets again in May.

The Board determined Dr. Pope is in compliance with his Stipulation and Order as all paperwork has been received.

An appointment was made for Dr. Pope to meet again May 13, 2009.

10:45 am

Dr. Michael Goates, Probationary Interview

Dr. Goates met for his probationary interview.

Dr. Babitz conducted the interview.

Dr. Babitz requested Dr. Goates to share with the Board his experiences over the last three months, what he has learned and how it has impacted him.

Dr. Goates responded first he must apologize to the Board for his deception regarding his alcohol use.

Dr. Fowler made a motion to close the meeting during Dr. Goates discussion based on discussing the character, professional competence, or physical or mental health of an individual (52-4-205(1)(a)).

Dr. Sperry seconded the motion.

The Board vote was unanimous.

11:29 am, Dr. Lamb made a motion to reopen the meeting.

Dr. Ries seconded the motion.

The Board vote was unanimous.

Dr. Babitz commented that usually an inpatient program will recommend continuation in an aftercare program. He stated Dr. Goates program recommended Dr. Goates follow the guidelines set forth by the Utah Board.

Dr. Goates responded part of his program was to write an action plan for aftercare. He stated the Mississippi aftercare program is a life program, once a week. Dr. Goates stated he came up with a proposal to attend AA and PIR meeting regularly, largely PIR meetings, continue working in areas of his spirituality through prayer and attend therapy with his wife by seeing a Psychologist, Dr. James Harper. Dr. Goates stated he has prepared a practice plan for the Board to review and consider.

Dr. Babitz reminded Dr. Goates he is at risk for relapse given his history.

Dr. Goates responded his progress was satisfactory to the clinic as they were able to build on the gains he made there. He stated there are no guarantees. Dr. Goates stated he is ready to return to work.

Ms. Taxin asked what type of recommendation would Dr. Goates give his own patients regarding being in a specific environment for three months and coming home.

Dr. Goates did not respond.

Dr. Howell stated the Board is concerned as this was not Dr. Goates first treatment but his third or fourth. She stated he also was before the Board for three different issues. Dr. Howell stated she might make a very different recommendation to Dr. Goates than to someone who has not had all these historically severe issues. She stated she does not believe the three month treatment is enough. Dr. Howell stated Dr. Goates has been to the 12 step meetings and it is the start of making a change. She stated the program did not give specific recommendations and the Board now has the role of making those recommendations. She stated one concern is Dr. Goates Physician at the program saw him twice and he recommended Dr. Goates return to practice and prescribing.

Dr. Bennion read Dr. Goates treatment plan which included immersing in the 12 step program, address and work on relationship issues, prognosis

is good provided Dr. Goates complies with monitoring with the Utah Board.

Dr. Howell stated usually there are three or four specific recommendations which are very detailed. She stated it is also worrisome that Dr. Goates did not see a Psychiatrist or psychologist at the program as most health professional programs would have psychological testing and give Dr. Goates a letter regarding the results. She stated Dr. Goates concern is financial and the Board concerns are treatment and public safety.

Dr. Babitz commented Dr. Brunson has made specific recommendations.

Dr. Goates responded he has seen Dr. Brunson for about four years.

Dr. Howell commented Dr. Brunson noted Dr. Goates was not honest with him.

Ms. Taxin stated the Clearview evaluation documents Dr. Goates was seeing Dr. Brunson for stress management.

Dr. Goates clarified Dr. Brunson's comments were in regard to his dishonesty about his drinking.

Ms. Taxin stated the Board needs to be very sure Dr. Goates is addressing what he needs to be sure he is a safe practitioner.

Dr. James Pingree commented it appears Dr. Goates is now starting anew and hopefully he has changed. He stated the Board will have to see what happens in the future.

Dr. Babitz commented the Board now needs proof Dr. Goates is safe to practice.

Dr. Lamb requested clarification regarding the program recommendation that Dr. Goates comply with all conditions that may be required by the Utah Board. He stated the Board may request Dr. Goates to do some things that are not part of the

treatment program recommendations.

Dr. Goates responded he plans to do everything the Board asks to get back to work. He stated 90 days without an income has been devastating to his family financially. Dr. Goates stated the State Hospital is anxious for him to return to work as they are currently down three Psychiatrists. He asked if he could read his practice plan to the Board.

Dr. Babitz responded he could read his practice plan at the end of his interview if there is time.

Ms. Taxin stated she received a phone call from the State Hospital asking if Dr. Goates could return to work. She stated she informed them he has just returned to Utah and had not yet met with the Board.

Dr. Bennion asked Dr. Goates to explain where he believes he is in his recovery. He stated Dr. Goates will need a lot of support to be sure he does not relapse.

Dr. Goates responded he is very invested in succeeding. He stated he is excited to return to work, is physically and spiritually ready to return to work. Dr. Goates stated he has some goals regarding returning to his practice.

Dr. Howell made a motion for Dr. Goates to complete the following prior to consideration of lifting the suspension on his license:

- 1. Attend an intensive out patient (IOP) program that has a Psychiatrist who works with Physicians,**
- 2. Submit recommendations from a complete psychological evaluation;**
- 3. Attend a 90 meetings in 90 days program, evenings or daily,**
- 4. Attend PIR at least once a week and that could be counted as one of the 90 meetings in 90 days.**
- 5. Resume drug screening immediately,**
- 6. Enter into individual therapy with a Board approved therapist who deals with drug**

- addiction and relapse; and**
7. Continue marital therapy.

Dr. Lamb requested an amendment to Dr. Howell's motion to include reports from the therapist and documentation of attendance at AA and PIR, a restriction that he cannot be in private practice, with the suspension not being lifted until sometime in the future when the Board is sure Dr. Goates is safe to practice.

Dr. Lamb seconded the motion with the amendment.

The Board vote was unanimous.

Dr. Howell recommended Dr. Goates contact Dr. Michael Brunson, Psychologist, Dr. Michael Crookston, Psychiatrist, Dr. Michael Measom, Psychiatrist, or Dr. Mark Foote, Psychiatrist. She stated the Board would not approve Dr. Goates going to the Gathering Place as he has already been there twice. Dr. Howell recommended Dr. Goates comply with the recommendations in the motion and meet monthly with the Board with the possibility of lifting the suspension within 90 days.

Dr. Goates requested the Board to consider his petition to lift the suspension today for him to be employed to be able to work on the recommendations.

Mr. Lau stated the Board's first responsibility is to protect the public and lifting the suspension today is not their primary concern.

Dr. Babitz reminded Dr. Goates that he has been significantly deceitful with the Board. He stated the 90 days in a program was a very controlled environment and now Dr. Goates does not have that. He stated Dr. Goates knows the history of relapse and he, Dr. Babitz, believes Dr. Goates is still in denial to think he is feeling fine today and will continue to do well. He stated Dr. Goates needs to prove himself to the Board.

Dr. James Pingree asked if it is realistic to request

Dr. Goates to submit everything within a few weeks.

Dr. Babitz responded if Dr. Goates even submitted an intake report it would help. He stated one visit within 2 to 2 ½ weeks is realistic.

Dr. Howell recommended Dr. Goates contact Dayspring or A & D Psychotherapy.

Following additional discussion, Dr. Howell commented one issue the Board has had is all the meetings they have met with Dr. Goates he has been dishonest with them. She stated the requirements in the motion are the consequences of Dr. Goates illness and deception. Dr. Howell stated the Board is trying to do their job.

Dr. Goates responded if he works at the State Hospital to obtain some income then he would have the funds to complete the recommendation. He stated he needs to do the program and work concurrently or he is afraid he will appear non-compliant.

Dr. Babitz commented the Board needs the proof Dr. Goates is safe to practice before the suspension will be lifted.

Dr. George Pingree commented Dr. Goates may need to sell of some assets to obtain monies to support him in this process. He stated Dr. Howell has mentioned Dr. Goates issues which are serious. Dr. George Pingree stated the Board will review the recommendations of the IOP before they consider lifting the suspension. He then reminded Dr. Goates to submit his practice plan for the Board to review.

Dr. Goates again requested he be allowed to read his practice plan.

Dr. Babitz asked Dr. Goates to read his practice plan and to leave a copy for the Board to review as it is not appropriate for the Board to consider the plan right now.

Dr. Goates read his practice plan and submitted a copy for the Board. Upon completion of reading the plan Dr. Goates informed the Board that he received a certificate of release/completion from the program he attended and he submitted a copy.

Based on Dr. Goates licenses being suspended, Dr. Goates is not in or out of compliance with his Stipulation and Order at this time.

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

Dr. Babitz reminded Dr. Goates to submit all his information by February 28, 2009.

11:45 am

BREAK

12:00 pm

Dr. Elizabeth Howell, Substance Abuse Presentation

Dr. Howell conducted a presentation regarding an overview of substance abuse addiction and its affects on the brain and the physical aspects on the body. This presentation covered statistics and behaviors regarding the brain's neural reward circuits in reinforcing of the addicted person. Dr. Howell concluded by covering in detail information regarding how to understand and heal the damage of the brain of an addict. She distributed a copy of her presentation, information regarding Medical Guidelines for Ongoing Recovery, Medications and Drugs to Avoid in Recovery, the 12 Steps for Medical Professionals, Another 12 Steps for Medical Professionals and 12 Steps of "Alcoholics Anonymous" for Board references.

Board members thanked Dr. Howell for the information and insights regarding addiction.

DISCUSSION ITEMS:

Update on Dr. Layfe Anthony

Ms. Taxin informed the Board that Judge Eklund made a final decision regarding Dr. Layfe Anthony based on the Hearing recommendations. She stated Dr. Anthony's license was revoked.

The Board thanked Ms. Taxin for the information.

Dr. David Morris

Ms. Taxin explained Dr. Morris has requested a probationary license as he has a restriction on his active license that requires him to work in a residency program only. She reviewed the proposed Stipulation and Order with the Board.

Dr. Babitz recommended a supervisor review 100% of all Dr. Morris's charts with a controlled substance prescription.

Dr. Bennion recommended specific language regarding consequences if Dr. Morris is out of compliance.

The Board concurred with Ms. Taxin's language and the recommendations.

Ms. Taxin thanked the Board and stated she will include the recommendations and present the document to Dr. Morris for review.

Dr. Nathan Courier

Ms. Taxin explained Dr. Courier is a Psychiatrist. She then read the proposed Stipulation and Order requirements.

The Board recommended similar changes as were made for Dr. Morris.

Ms. Taxin again thanked the Board and stated she will include the recommendations and present the document to Dr. Courier for review.

FYI

Ms. Taxin explained the State has put a hold on all travel whether it is funded by the State or by another entity. Ms. Taxin stated at this time Utah will not be represented this year at the FSMB meeting.

The Board thanked Ms. Taxin for the information.

CORRESPONDENCE:

FSMB Correspondence

The Board reviewed the following FSMB correspondence:

1. Election of Treasurer Information. **No Board action was taken.**

2. Barbara S. Schneidman, MD, MPH, letter regarding a Board visit. **This item was deferred to the March 11, 2009 Board meeting.**

Dr. Jerry Martin Letter regarding Reinstatement of Licensure

Ms. Taxin read Dr. Martin's letter. She reminded the Board Dr. Martin met with them a few months ago regarding reinstatement of his license which expired over 2 years ago. She stated the Board gave Dr. Martin feedback regarding the steps he needs to take to reinstate his license. Ms. Taxin stated Dr. Martin continues to feel frustrated with Utah's procedures and has not followed the recommendations. She stated Dr. Martin's letter refers to a Bill in the Legislature at this time and she is not sure what Bill he is referring to.

Dr. Babitz responded Dr. Martin might be referring to the Retired/Volunteer Practitioner Bill.

Ms. Taxin stated the Retired/Volunteer Practitioner Bill has not yet passed and there are some specific requirements for retired volunteer practitioners to work in Utah which Dr. Martin would not meet.

No Board action was taken.

NEXT MEETING SCHEDULED FOR:

March 11, 2009

ADJOURN:

The time is 1:52 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.

March 11, 2009
Date Approved

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

February 24, 2009
Date Approved

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